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EDITORIAL

NIXON'S LOST TAPE

June 17 marks the twentieth anniversary of the Watergate break-in. In honor of the occasion, we have obtained a snippet of the still-unreleased Oval Office tapes, recording an undated colloquy between President Richard Nixon and Bebe Rebozo.

NIXON: Another martini, Bebe? Say when.
REBOZO: Go easy, amigo. You don't want those two reporters to hang a boozing charge on you along with everything else. [Expletive deleted.]
NIXON: You mean Woodward and Bernstein? Don't worry. Everyone here is stonewalling 'em.
REBOZO: I don't know. Somebody might talk. This cover-up's risky. Why don't you go the hang-out route? Say the burglary was a mistake. Apologize and the public will forget it in six months.
NIXON: How stupid can you get? If Woodward and Bernstein crack this, they'll be famous. All the other reporters will be doing investigative stories.
REBOZO: So let 'em.
NIXON: But that would be wrong. A President can't have reporters exposing secret actions and undermining his power. After Vietnam, I've got plans—Grenada, Panama, Central America. Who knows? I might want to play off Iraq against Iran. We've got to keep the lid on this third-rate burglary so nosy reporters don't blow our cover on future actions. Or, at worst, don't find out until it's too late. Oh, check if the machine is on. My agent says I should get everything on tape for my memoirs. I've got to think about my retirement. I can see it now—the library in San Clemente, the big advances on books, the elder statesman bit. That's another reason I want to keep these *Washington Post* guys from messing me up. Christ, they might even write their own book. Well, I'm going to put a stop to that. Mark my words: In twenty years Woodward will be doing puff pieces about the Vice President.
REBOZO: The *Vice President*! Ho-ho.

TABLOID WOMEN
Katha Pollitt

HAITIAN MUDDLE
Amy Wilentz

DRUG WAR ON YOUR RIGHTS
Dan Baum

ISRAELI ELECTIONS
Hillel Schenker
Jill E. Hamburg

THE NEW OBSCENITY
Henry Louis Gates Jr.

MANTEGNA
Arthur C. Danto

RHODE ISLAND BLUES

THE RISE OF ANTI-POLITICS IN ONE STATE

MICAH L. SIFRY

The political condition of Rhode Island is notorious, acknowledged, and it is shameful. But Rhode Islanders are ashamed of it. There is the shining truth about this state. Not many American communities are so aware of their political degradation, none has a healthier body of conservative discontent; and the common sense of this goodwill, unorganized and impotent though it is, makes the Rhode Islander resent the interest of his neighbors. "Our evils are our *troubles," he says; "they don't concern the rest of you. Why should we be singled out? We are no worse than others. . . . We want to set things right, but can't. Conditions are peculiar."*

This is all wrong. The evils of Rhode Island concern every man, woman and child in our land.
—Lincoln Steffens
"Rhode Island: A State for Sale,"
McClure's Magazine, *February 1905*

When Lincoln Steffens wrote these words, the votes of citizens in the state of Rhode Island were literally bought with cash at the polls. Today, although what he called "the direct and decisive purchase of power" is a more complicated matter, a new cycle of protest and reform like the one that Steffens himself was a part of is beginning again. Just listen to some of the voices of Rhode Islanders these days:

Arlene Violet, former nun, former Republican state Attorney General and currently a lawyer and popular talk-radio host, says, "We don't have two parties. . . . They're the same. . . . If anything, the two parties are

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EXCHANGE.

TYRANNOSAURUS LEFT

New York City

What was Alexander Cockburn thinking of when he wrote his April 20 "Beat the Devil" column? Me, a member of the liberal establishment? Anthony Lewis, my class brother? A creative smear, but too preposterous to take seriously. Maybe I'm just a leftist dinosaur but I think Jerry Brown's tax scheme is crazy—though not that surprising to anyone familiar with his political history. Brown makes a lot of rebellious noise, but when it comes to policy he's generally been quite reactionary.

My "Zen fascist" remark does sound a little loopy at first, but let me make my argument. During the mid-1970s—the days of the "progressive" Brown, before he sold out to the Business Roundtable—the Governor said that welfare mothers were going to have to tighten their belts; wondered why we needed to subsidize school lunches for poor kids; thought it might be neat to set up work camps for teenagers, where the "black kids can teach the white kids how to fight and the white kids can teach the black kids how to read"; promised "to tilt toward the Mexican-Americans" because "blacks [were] the wrong symbol for the 1970s"; and suggested that maybe women really *did* belong in the home. All these gems come from former Brown staffer J.D. Lorenz's book, *Jerry Brown: The Man on the White Horse*.

Lorenz took his title from this remark of Jerry's: "People want a dictator these days, a man on a white horse. . . . to ride in and tell them what to do. A politician can do anything he wants as long as he manipulates the right symbols." As I said in the February 10 *Left Business Observer* piece that Cockburn refers to, "Of course, Jerry himself isn't a fascist, but there's something scary about him and his appeal." It's gimmicky, devious and unreasoned.

His tax scheme is a fine example of his style: Talk left, move right. Instead of offering us something simpler and more just than the present system, Brown furtively sacrificed the principles of progressive taxation and proposed something complex and nasty instead. Both components of his scheme—the flat income tax and the value-added tax (VAT)—have odious intentions, reflecting their odious ideological roots. Either Brown didn't understand this, or he did and he lied about it.

I'll leave it to Citizens for Tax Justice to defend its analysis of Brown's plan. I certainly didn't lift "whole cloth what C.T.J. said, without further inquiry." Almost everyone not in the employ of the Brown campaign knows that a VAT is regressive—though the Brownies were unable to refute that except by insisting, fancifully, that business would pay it—and that a flat income tax is a big gift to the very rich. C.T.J. offered an estimate of how the scheme would play out in the real world, but its numbers don't have to be exact to prove the general point.

Other estimates confirm the VAT's regressiveness, which isn't surprising, since the point of a consumption tax is to soak the nonrich and spare the rich—or, as they say in polite company, punish consumption and reward saving. The Congressional Budget Office (C.B.O.) estimates that a Brown-style VAT (that is, with no exemptions) would tax the poorest quintile at three times the rate of the richest, and the middle quintile at almost twice the rate of the richest. Jerry's simplification mantra aside, a VAT is also complex and expensive to administer.

Cockburn and his collaborator, the normally admirable Robert Pollin, should stop peddling their "discovery" of C.T.J.'s alleged sneaky manipulation of the Brown plan. Yes, C.T.J. did assume $1.3 trillion in exemptions from the VAT base. Pollin "easily established" this because C.T.J. said it was doing this in its press release. C.T.J. did Brown a favor by exempting (among other things) housing, education and health care—standard VAT practice. Would Cockburn and Pollin prefer taxing these untaxed things?

It's odd that Cockburn should call Leona ("Only the little people pay taxes") Helmsley as an expert witness just as she went off to jail for tax evasion. Reagan-like argument by anecdote can't refute the fact that the current tax system is mildly progressive, and Jerry's plan is distinctly regressive. You can rewrite Jerry's plan to dull its regressive sting, but you can't truthfully say, as Cockburn did on *All Things Considered* on April 3, that "progressivity and flat taxes are by no means antagonistic," or that "exclusions of food from VAT" will do the trick. A flat tax is by definition not progressive, and as the C.B.O. study says, exempting "necessities such as food, housing and utilities . . . would slightly reduce the VAT's regressivity." The only way to make a VAT progressive is with big income tax rebates, but why go to all that trouble?

Brown told Cockburn and Andrew Kopkind ["Late Night With Jerry Brown," April 20] that he got the VAT idea from Lester Thurow. Worse than being a member of the liberal establishment, Thurow is a reigning ideologue of the neoliberal establishment and a guru to Paul Tsongas, whom Cockburn has correctly called the chemotherapy candidate. The VAT is a chemotherapist's kind of tax, a purgative for those gripped by guilt over consumption—especially the consumption of those poorer than its advocates.

Although Cockburn does mention Milton Friedman as the originator of the modern flat income tax, he could have shared some of Friedman's repellent logic with *Nation* readers. Friedman thinks that market incomes are almost perfectly commensurate with their earners' contributions to society, and any inequality in income must then be the result of differences in preferences or initial endowments. A progressive income tax, which Friedman called the revenge of "those who think they have drawn the blanks" in the great lottery of life, interferes with the market's coldly perfect logic.

No wonder George Will got such a kick out of the "exquisite burlesque [of] Jerry Brown leading tattered remnants of America's hapless left into supporting conservatism's agenda."

Doug Henwood

LESS SLEAZE, PLEASE

Washington

Alexander Cockburn calls Citizens for Tax Justice "sleazy" because we criticized Jerry Brown's proposed income and sales taxes as regressive and fiscally irresponsible. (For the record, we also labeled Brown's plan "stupid.") I'd like to reply to each of Cockburn's charges.

1. Cockburn starts by accusing us of monkeying with the numbers: "C.T.J., without making this clear to the reader, built $1.3 trillion worth of exemptions . . . into Brown's [national sales tax] plan and then denounced this scheme of its own manufacture as one that would increase the deficit by $200 billion." Actually, we spelled out in considerable detail—as Cockburn's own statement indicates—how we calculated the broadest possible base to which Brown's tax might apply. Following the lead of the Treasury Department and the Congressional Budget Office, we started with total personal consumption expenditures, as defined by the Commerce Department, and then subtracted items that would be essentially impossible to tax.

Most of these subtractions were in two areas: "imputed" consumption items—where no actual transactions take place—and health care services. The former include what homeowners would have to pay to rent their homes (if they paid rent) and the value of "free" financial services such as no-charge checking accounts (as if there was an explicit charge). Nobody seriously thinks that these items could be taxed.

As for health care services, most are paid for either by government or by employer-provided insurance (which Brown would already tax as wages under his flat-rate income tax plan). Taxing the publicly financed part of health care outlays would produce no net gain to the government, and even if it were advisable to double-tax privately paid health care services, it seems politically inconceivable.

Having excluded these and a few other relatively minor items (e.g., public transportation and religious and charitable activities), we applied Brown's 13 percent rate to the remaining portion of personal consumption, e.g., food, clothing, utilities, etc. (generously assuming 99 percent compliance). Added to the take from Brown's flat-rate income tax, that amount fell $200 billion short of current federal tax revenues.

To be sure, we could have chosen a slightly

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EDITORIALS.

Running Room

Mario Cuomo's suggestion that Bill Clinton run a joint campaign with the Democratic leadership of Congress recalls the advice, by a travel agent unknown, that John Jacob Astor buy a first-class ticket on the maiden voyage of the *Titanic*. It is ludicrous to believe that Clinton, already third in most polls behind Ross Perot and George Bush, would benefit from a close association with an institution enjoying a 17 percent approval rating from the American people. But Cuomo knows that; his point was primarily to prove that Clinton has no political ideas and, at the same time, to lead Clinton onto a sinking ship. And this from a man who, Clinton said in the course of an intimate chat with Gennifer Flowers, "acts like" a Mafioso.

Perot's pre-emption of the middle ground of the political field has given his opponents no room to maneuver except at the ends of their parties, which are rapidly being reduced to mere factions. The only complete "party" on the scene at this point is the man Perot, who seems to combine the Republicans and Democrats in human form. This feat of political transubstantiation is possible because the centers of the two parties were so nearly identical to begin with. Perot is thus not the candidate of a "third party" but at once an avatar and amalgam of the dead dyad.

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Clinton could move to his left, and perhaps he should, but he seems to lack the will or the imagination to go the route. An alliance with Congress is hardly a leftward lurch—not with the Congress that seated Clarence Thomas, that has taken a dive on health care, that can't fight its way out of the tax and budget bag and that is bought with corporate PAC money.

There is a progressive constituency within the Democratic milieu—not a majority but a possible plurality in a three-way race. George McGovern, the most leftish major party nominee since the Depression, got 38 percent of the vote—peanuts in 1972, but a big deal this year if the total is split three ways. But Clinton can't get it by waving policy papers and hawking proposals, no matter how worthy. That is a constituency that must be mobilized by the real chance to share in his campaign, to have its agendas advanced and interests protected, and to participate in the victory if it is won.

Tabloid Women

Perhaps you were wondering what the tabloids, print and television, would do with themselves now that Carolyn Warmus—the Westchester schoolteacher who murdered her lover's wife in what was invariably billed as "a real-life *Fatal Attraction*"—is being packed off to prison. Olivia Riner, the Swiss nanny currently on trial for setting her tiny charge on fire, is not living up to advance billing as a real-life *Hand That Rocks the Cradle*, after the initial rush of guilt-tripping service pieces about the folly of entrusting Your Precious Child to anyone with fewer references than Mother Teresa. Ms. Riner is too docile, too scared, too unsexy for the Rebecca de Mornay role, and—bummer!—there seems to be a real possibility that she's innocent. The defense, indeed, hints that the real culprit is the boyfriend of the dead baby's sister, overlooked by investigators because of his friendly ties among the local police. It's a theory—the worst crimes are often family jobs, and Dostoyevsky, among others, has noted the mutual attraction of criminals and cops—but so far, only *Newsday*'s admirable Carole Agus is looking into it. These days, "boyfriend kills baby" is a one-day story.

Not to worry. Life continues to imitate, um, art. Currently dominating the headlines and scandal shows is 17-year-old Amy Fisher of Long Island, now being held on an unprecedented $2 million bail for the attempted murder of her 38-year-old lover's wife—a "Near *Fatal Attraction*" that quickly became "Long Island Lolita" when an unidentified man sold to *A Current Affair* a video of himself having sex with a prostitute who is allegedly Fisher, followed by two young men who claimed that Fisher slept with them to entice them to murder the unfortunate Mrs. Buttafuoco. Meanwhile, ebullient Joe Buttafuoco has been telling anyone who will listen—including a vastly amused Howard Stern, the gonzo talk-show host—that he barely knew Amy Fisher and is a wonderful husband with a perfect marriage. His mother-in-law verified this on another radio call-in show. Dr. Joyce Brothers thinks that the Buttafuoco marriage can survive, if Mrs. B. can put the past behind her and genuinely forgive her husband. Ah, family values. Vice President Quayle would approve.

Is there a double standard here? You bet. Statutory rape, pandering and hiring a prostitute are crimes—not as serious, I grant you, as attempted murder, but crimes nonetheless. Yet neither Joe Buttafuoco, nor the madam of the escort service that allegedly employed Amy Fisher, nor the anonymous john with the videotape has been charged with any crime, even as the prosecutor argued for astronomical bail on the ground that Fisher was a prostitute who could easily disappear into the underworld. (Long Island, by the way, became notorious a few years ago for failing to jail a slew of abusive ex-husbands, who promptly made good on threats to kill their wives.) Further proof of her "shrewd, manipulative and brazen" nature, he claimed, was the fact that she made her own dates with customers she met through the escort service. Apparently he thinks a good girl would never stiff her pimp. Meanwhile, *Newsday* reports the police are not investigating Joe Buttafuoco, despite fresh rumors of his involvement with drug-dealing and prostitution, including possible employment as a recruiter-driver for the escort service that hired Fisher.

I realize Amy Fisher is not the ideal case upon which to hang a plea for an end to castigating females for sexual behavior that is barely noticed when it occurs in men—after all, she did try to kill someone. But there is something repellent about the media's jokey, all-in-a-day's-work attitude to the men in her story. No one is calling those two young men promiscuous—or dangerous, although they helped fuel her murderous fantasies by promising to enact them, spying on Mrs. B., driving Amy to the house with a rifle (unloaded) and so on. And what about her anonymous video john? (Her: Oh, I wouldn't sit and let a whole bunch of guys slap me around. I would never do that. If you paid me $2,000 I would not do that. I can't do that. . . . Him: I'm saying just for my friend.)

And what about the double standard on violence? Given how few murders and assaults women commit, isn't it curious that female bad actors so frequently end up as major news stories? Novelty—the man-bites-dog argument—doesn't explain why these women are invariably portrayed as cold, calculating, sex-crazed and asking for trouble, while in stories about celebrated male murderers, it's usually the female *victim* who's depicted that way (or, as in the case of the Happy Land fire, the male murderer's former girlfriend). No, the reason for the coverage is the same misogyny that fuels the movies that give these crimes their tabloid names. What's next: "A real-life *Basic Instinct*," film at eleven? Meanwhile, I notice the Buttafuocos have hired separate lawyers. Stay tuned.

KATHA POLLITT

Haitian Muddle

Ever since President Jean-Bertrand Aristide was deposed in a coup last September, U.S. policy toward Haiti has been both wrongheaded and confused. Officially, the United States deplored the coup. Officially, we are working to help Aristide return to Haiti. Officially, we have no diplomatic relations with the de facto civilian-military regime there.

Unofficially, however, the Bush Administration has continued to keep the lines of communication open with the new authorities. Although the State Department briefly recalled

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Ambassador Alvin Adams because of flagrant violations of human rights in Haiti, the Immigration and Naturalization Service and the White House simultaneously accepted the regime's word that no refugee returned by the United States to Haitian soil would be subjected to harassment. Haitian newspapers also claim that Ambassador Adams meets frequently with Gen. Raoul Cédras, who heads the Haitian Army and who helped mastermind the coup against Aristide.

U.S. officials have consistently downplayed the gross human rights violations of the military regime. "I am convinced," President Bush said at the end of May, "that the people in Haiti are not being physically oppressed." This, even though at least 1,500 people were killed in the first months after the coup. This, at a time when student demonstrators were being beaten daily, when protests against the government were being dispersed with tear gas and gunfire, when the regime was escalating its systematic persecution of the progressive wing of the Catholic Church. This, as the army continued its nightly raids on Haiti's shantytowns, and sheriffs meted out summary justice to Aristide supporters in the countryside. This, while Administration officials and certain U.S. human rights advocates harped on Aristide's supposed enthusiasm for "necklacing"—even though fewer than ten cases of necklacing were alleged to have occurred during his regime, none of them ordered or condoned by Aristide or his administration.

Although the United States joined an Organization of American States embargo against Haiti shortly after the coup, it has since loosened its observance of the sanctions to permit American-owned businesses there to continue exporting goods and importing materials. Nor has the United States pressured non-O.A.S. countries to stop exporting oil to Haiti. Such shipments, from France, Portugal, the Netherlands Antilles and Senegal, have kept the regime going; without them it would quickly have crumbled.

Because the O.A.S. embargo has been only loosely enforced, it has caused far more damage among Aristide's poverty-stricken constituency than among the army and the wealthy elite, who led the coup against Aristide and were the ostensible target of the sanctions. Aristide's continued exile, the scale of the regime's repression and the privations of the embargo have created a tidal wave of refugees. In other words, the refugee crisis now tormenting the Bush Administration is at least in part the creation of U.S. economic and political policies.

It is the ongoing refugee surge that has put the greatest pressure on Washington for Aristide's reinstatement. Rather than push for an end to the illegal regime in Haiti, the United States established a massive refugee camp, one of the largest ever in this hemisphere, at Guantánamo, Cuba, complete with tents and barbed wire, to deal with the deluge of boat people. As the number of refugees grew, the White House revived onboard asylum hearings for Haitian boat people—hearings that had been abandoned as inadequate. Then, claiming that Guantánamo was enticing Haitians away from Haiti, the United States began closing down the camp and repatriating its entire population, including some with plausible claims to political asylum. As the refugees continued to leave Haiti's shores, the Administration set up a Coast Guard cordon around the island and started a policy of immediate repatriation, without a hearing, for all boat people, regardless of their possible claim to refugee status. (Haitians remark that although the United States finds it easy to control international waters to block hundreds of little refugee boats, it cannot stop a few big tankers heading in the other direction.)

It is unfortunate that the White House is so uncomfortable with the man whom 67 percent of the Haitian people chose as their president. But be brave, State Department. Hold your nose. After all, you've gotten a lot of concessions out of the little priest. He has agreed to a general amnesty except for common criminals (among them, he believes, General Cédras). He has agreed to negotiate with the Haitian Parliament, as currently constituted (a hive of intrigue and Duva-

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★

The Ross Perot Guide To Answering Embarrassing Questions

When something in my history is found
That contradicts the views I now propound,
Or shows that I am surely hardly who
I claim to be, here's what I usually do:

I lie.
I simply, baldly falsify.
I look the fellow in the eye,
And cross my heart and hope to die—
And lie.

I don't apologize. Not me. Instead,
I say I never said the things I said.
Nor did the things that people saw me do.
Confronted with some things they know *are true,*

I lie.
I offer them no alibi.
Nor say, "You oversimplify."
I just deny, deny, deny.
I lie.

I hate the weasel-words some slickies use
To blur their pasts or muddy up their views.
Not me. I'm blunt. One thing that makes me great
Is that I'll never dodge or obfuscate.

I'll lie.

Calvin Trillin

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BEAT THE DEVIL.

Di: How Long?

Ardmore, Ireland

Though the initial reaction was one of popular outrage at a lovely girl being dragged through mire and thorn, I think opinion will gradually tilt in Charles's favor, despite the claims of the Princess's new biographer, Andrew Morton, that Diana grew so desperate and lonely as a bride that she tried to kill herself five times. Trying to "show off" or "get attention" used to be a serious charge in the nursery, and that is certainly what the Princess was trying to do. It must have been a nightmarish task. The Windsors are a stolid lot. Down the main staircase at Sandringham the Princess threw herself. Whump. The crumpled heap on the floor. Enter Queen Mother. Oh I say, are you all right? Nothing broken then? Better sit quietly for a bit.

There was the row with Charles over his present to Camilla Parker-Bowles. Di: I'll kill myself. Stabs herself repeatedly about the limbs and torso. He: Oh, for God's sake, Di, do grow up. Strides from room.

Then there were the long bulimic orgies by night in the kitchens of Windsor castle. Queen: Diana, it seems that last night you furtively consumed a leg of lamb, two cottage pies, a Cornish pasty, three bowls of junket, two summer puddings and twenty-eight tins of potted shrimp. Wouldn't it be easier if we had something sent up to your room?

To prove yourself dissatisfied in such a family you have to say you want a divorce, which is presumably what this is all about.

Class Crisis

The fact that the man in the next seat on the plane from London to Cork, who turned out to be an old friend of mine, should have offered me a job lot of Soviet space alloys was not, in the New Europe, all that surprising. But as we looked at the sheet of mysterious Slavic specifications, I did point out to him that when we were growing up together in the sedate postwar years, flogging the detritus of the Evil Empire would have been altogether the least likely vocation that could be imagined for my well-bred Anglo-Irish friend.

Hugo shoved the spec sheet back in his briefcase alongside the handouts about Polish fertilizer from a plant abandoned by Monsanto and gave a sigh. "Well, after the Lloyd's thing, one just has to get out there and do what one can."

He was referring to one of the most serious financial disasters ever to afflict the old landed gentry, as deployed in hall, manor, farm, castle or kindred genteel shelter in the United Kingdom and Irish Republic. The crisis can be blamed on hurricanes, on earthquakes and on changing liability laws in the United States. The results for families of just the sort that engendered Princess Di have been devastating: homes sold, careers blighted, retirements postponed. A class—the British landed gentry—famous across Europe for its prodigious powers of survival, is taking a really savage kick in the teeth. The cause of its misfortune is none other than one of the most perfectly fashioned instruments of its own prosperity: the underwriting system that began nearly 300 years ago in a coffee house as Lloyd's Marine Insurance.

The great beauty of the insurance business known as Lloyd's was always that it allowed the so-called Names—the individuals, now about 23,000 in total, whose assets provide its capital—to use their money twice. It had started back at the end of the seventeenth century, when syndicates of affluent gentlefolk formed to insure the merchant vessels and cargoes plying the globe at the dawn of the modern world's trading system. You guaranteed your £20,000 or so, but unless things came seriously unstuck, and the argosy in question was destroyed in a storm off the Cape of Good Hope, the money need never actually leave the broad acres of farmland, financial securities or whatever sanctuary in which it was earning its keep. You just had to show what your assets were.

Assuming the underwriter got his actuarial sums right, it was a sure way of making money, and a pleasant one too in that the Name could tramp his broad acres with rod and gun and leave the figuring to the fellows toiling away in the imposing premises of Lloyd's in London. The downside came in the form of unlimited personal liability. You were, in the end, gambling those broad acres on a ship's safe passage.

Unwelcome trends began setting in after World War II. The insurance industry became much more competitive. Worse, in the United States, the liability laws were changing in a manner ultimately catastrophic for Lloyd's, much of whose business was in reinsuring coverage arranged by others. The courts began to acknowledge that, say, an asbestos company might be liable for damages against the people it had poisoned down the years and that the asbestos company's insurer might indeed have to foot the bill. The glory years of the tort bar had begun.

It was, all of a sudden, not quite so much fun being a Name, and in 1989 it became a nightmare. One disaster followed another, culminating in Hurricane Hugo. Lloyd's finalizes its accounts every three years, so the agony was postponed. When the bill for 1989 came to be added up, the Names faced a liability of over £2 billion. These early summer weeks of 1992 the calls have been going out, and many a bluff baronet or gentleman farmer looking at the need immediately to realize huge sums by burrowing horribly deep into his net worth. They are ponying up, and will be doing so for a long time to come, which was why my friend Hugo had been trying to interest me in Soviet space alloys.

Highland Clearances

One reflection of the Lloyd's crisis is the fact that no less than a third of a million acres of prime Scottish sporting land is now up for sale, with many of the vendors being Names trying to dispose of their grouse moors, deer forests, salmon rivers and kindred expositions of the good life. Lord Kimball, for example, a Lloyd's council member, is offering for £7 million the 47,650 acres of his Altnaharra estate in the far north of Scotland. Not all such sales are Lloyd's-connected. Some merely reflect the outfall of the go-go years. According to *The Independent on Sunday*, which recently published a useful

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ALEXANDER COCKBURN

survey, the island of Gigha, in the archipelago west of Glasgow, is being sold for some $8 million by the Swiss bank Interallianz, which repossessed it after the collapse of Malcolm Potier's property empire. The former Olympic bobsledder Keith Schellenberg is selling the island of Eigg after protracted legal unpleasantness with his former wife, Margaret de Hauteville Udny Hamilton.

There can be few places in the world where feudal property rights hold more uninhibited sway than in these vast Scottish estates, whose clearances in the eighteenth century and substitution of sheep for peasants were so memorably recorded by Marx. When Queen Victoria and Prince Albert set the fashion for Scottish sporting holidays, the sheep were in their turn disposed of, in favor of deer, whose function was to give pleasure to these new Actaeons, resplendent in their freshly invented tartans and kindred antic drapery.

Professor Hugh Iltis of the University of Wisconsin, a botanist, claimed to me recently that, ironically, these Scottish lairds had been among the great preservers of biodiversity. (Iltis also claimed that Hermann Goering's taste for hunting had been similarly constructive in preserving some ancient German estates as prime habitat.) Such a view is not shared by Drennan Watson, an environmental land-use consultant, who told the *Independent*, "The highlands have been devastated. Forestation, for example, is not about wall-to-wall sitka spruce. Few examples of naturally diverse forest are now left. And huge deer populations mean that once the ecosystem is ruined, they'll be the only bloody thing left to shoot."

One of my favorite examples of the British aristocracy's somewhat narrow focus on land use and agricultural practice comes in the chapter on partridge in *Shooting* (Field and Covert), by Lord Walsingham and Sir Ralph Payne-Gallwey, published in 1889 in the Badminton Library of Sports and Pastimes, edited by the Duke of Beaufort.

> Another agricultural change has been the substitution of the scythe, and still later of the mowing machine, for the old-fashioned sickle. In the days of reaped stubbles, which were habitually left long, uneven, and not unfrequently weedy, birds could be approached, not only during the first half of the day, but equally well at a later hour when they had retired to their feeding grounds, the stubbles affording sufficient cover to hide them and to prevent them from noticing the approach of sportsmen. This is now no longer the case. No stubble in these days is high enough to prevent birds from seeing men and dogs the moment they enter the field, and where the birds are at all wild they will not allow themselves to be approached.

So much for the combine harvester. They have some interesting records of the slaughters achieved by the time this book was published. The largest bag of grouse ever made in a day by one shooter was on the Blubberhouse Moor in 1872 when, on August 27, Lord Walsingham, one of the authors, killed 842 birds. In 1876 the Maharaja Dulap Singh personally shot 2,530 partridges across nine days on his estate of Elveden in Suffolk. All this rather pales before what happened at Chantilly, outside Paris, on October 7 and 8, 1785, when the two Princes de Condé and the Prince de Conti, with twelve other guns, killed 2,580 partridges, 1,593 hares, twenty-four rabbits, twelve pheasants, two fieldfares and two larks. But look what happened four years later. One of the Princes de Condé thought he was going to be reincarnated as a horse, which is why today Chantilly boasts one of the most grandiose stables in the world.

The Green Pygmy

George Bush departed for Rio, his plan "to save the world's forests" in hand, and to lend added refulgence to his flight NASA scientists announced that damage to the richest forests of the United States compares unfavorably with what is going on in Brazil. The old forests of the Pacific Northwest, a tenth the size of the Amazonian rainforest, are being clearcut at a rate sufficient to threaten their biological vitality.

For the past three months the huge logging company Louisiana-Pacific has been clearing an area on the North Coast in Mendocino County called the Enchanted Meadow, an inholding of second-growth forest between Albion and the town of Mendocino. Friends of Enchanted Meadow, Earth First!ers and others have been trying to slow the cutting by tree-sitting and other tactics, and so far there have been ninety-one arrests, including my old friend Bruce Anderson, editor of the world's greatest newspaper. (Bruce is currently reassessing his entire outlook on democracy following the Fulanian invasion of the Peace and Freedom Party. Bruce tells me he re-registered as a Democrat the day after the California primary. This could be the beginning of Bill Clinton's comeback.)

In the midst of these rampages L-P's western division manager, Joe Wheeler, turned up at a board of supervisors meeting with graphs and other materials intended to demonstrate L-P's heroic commitment to sustained yield timber management. The figures demonstrated precisely the opposite with a clarity that made many suppose that Wheeler was either not quite himself or was deliberately revealing L-P's real intention. At any rate, he was fired soon after. In fact, L-P has been logging its land so intensively that there is now a shortage of mature timber. Only 4.8 percent of the company's 300,000 acres in Mendocino County has trees classified as over sixty-five years old. More than 84 percent of L-P's acreage contains trees thirty-five years old or younger. The age at which trees are considered mature enough to make sawlogs is around seventy, and the age at which redwoods can be cut to yield optimum annual growth is about 120 years.

The current view among environmentalists is that L-P is cutting pell-mell along the North Coast before regrouping in Baja, Mexico, where it has set up a mill brought from the North Coast. The company's eyes are most ardently fixed on Siberia, where it has a contract to log the 57 percent of old-growth fir left in the world. This is the Bush forest preservation plan, as observed in practice. His administration is currently asking for 4 million acres of old growth in Washington State to be opened up for cutting.

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BELTWAY BANDITS.

DAVID CORN

■ School's Out

Washington's favorite parlor game of late has been devising scenarios for the post-November free-for-all, when a new Congress may have to select a President. As every American who reads an Op-Ed page has been reminded repeatedly, if no candidate collects a majority of electoral votes, the House of Representatives will select a President from among the top three finishers, with each state allowed one vote. Already Ron Brown, the worried chairman of the Democratic Party, has declared that all House Democrats would be obliged to vote for Bill Clinton, even if he places third in the popular vote.

But if there is no clear winner in November, the race may still not make it to the House. Before the decision is handed over to that fine group of citizens, the Electoral College—a vestige of democratic elitism—gets its say on December 14, when the victorious electors (Americans vote for electors pledged to specific candidates, not the actual candidates) gather in each state to cast their ballots. In most states all the electoral votes are assigned to the slate representing the candidate who has pulled the most votes. Since electors are pledged, the college's December vote is no cliffhanger. That could change. Twenty-six states do not require electors to vote for their declared candidate, according to a study published by the American Enterprise Institute. Nineteen states say they must but do not punish those who disobey. Only five states impose some penalty—and these are minor—on electors who betray their promise.

To cut to the chase, there will be the opportunity for much political skulduggery. The presidential campaign might turn into *Let's Make a Deal*. A candidate could entice electors pledged to a competitor to jump ship. H. Ross Perot, for one, has plenty of resources to apply to such encouragement. ("Heck, I'm only buying these electors for you, the people.") Two of the three could strike an agreement whereby one throws his electoral votes to the other. In 1968, independent candidate George Wallace hoped to wield his electors to influence the outcome of the election. Alas, Richard Nixon won a majority of electoral votes.

Perot should have a better chance to be kingmaker—that is, if he can't be king. As the race stands now, the role of power broker will fall to Clinton. If he comes in last and the new House is not strongly Democratic, he might start thinking about which Cabinet post he prefers. There is another wrinkle. Even if an Electoral College deal is struck, it may not stick. The House is responsible for counting the electoral votes on January 6, and the ambiguities of election law could allow a new House to argue that bartered or unfaithful votes are not acceptable. So here's a frightening thought: Perhaps the Supreme Court will decide.

■ Iraq-gate and the Need to Know

Iraq-gate rolls on. Recently, the State Department released memorandums demonstrating that prior to the Gulf War, the Reagan and Bush administrations, then making nice with Saddam Hussein, were decidedly lax in preventing Iraq's acquisition of equipment for weapons of mass destruction, and even considered arming him directly. The documents disclosed so far do not contain the much-sought smoking gun. However, they do illustrate sly and deceptive behavior on the part of the White House. At one point in 1991, when Representative Doug Barnard Jr., Chairman of the Commerce, Consumer and Monetary Affairs subcommittee, asked the Commerce Department for information on U.S. exports to Iraq, a senior Commerce official noted in a memo to the department's general counsel that the documents offered—some of which had been altered—were "consistent with . . . requests from both State and the NSC that no additional information be provided that does not directly address the Committee's request." This is the classic minimalist response to Congressional inquiries. Tell the pests as little as possible. Then defenders of the White House cry foul when irritated legislators suggest there is a need for an independent counsel.

As for the need to know, two weeks ago my colleague Alexander Cockburn pooh-poohed all the fuss about Iraq-gate, griping that this is old news since the Reagan and Bush tilt toward Saddam Hussein was already an established fact. The reason for all the commotion, he declared, is obvious: Friends of Israel have orchestrated the clamor to mute the charge that Israel diverted U.S. technology to China. Cockburn's argument shows the perils of attempting to discern reality by reading between the lines of William Safire, A.M. Rosenthal and others. It's true that Washington's preference for Saddam over the Ayatollah was no secret. Still, the stated U.S. policy was not to arm Iraq. Yet Congressional investigators have found what they believe is preliminary evidence that Reagan and Bush assisted Iraq's acquisition of conventional and unconventional military supplies. Inquiring minds should want to know precisely what happened, who was aware of it and what attempts were made to cover it up.

■ The I.G. Wants You

On May 4 this column contained an item about a member of the armed forces who, while participating in Desert Storm, saw that some U.S. troops committed atrocities during that brief land war. This military source spotted American soldiers bringing back body parts as trophies. His allegations disturbed the inspector general's office of the military's Central Command. "These are very serious claims," remarked Col. Greg Renn, a deputy I.G. "These are violations of the law of war." Renn called me to say his office wanted to investigate the charges. He realized the name of the source could not be shared, but he asked for any help possible. Renn noted earnestly that all the I.G. needed was a collect call—it could be anonymous—from the source. It seemed the I.G. staff would be interested in hearing from anyone else with similar stories. Well, the I.G.'s number is (813) 830-6660. As Renn noted, any member of the military who witnesses such violations has an absolute obligation to report them.

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WATCHING RIGHTS.

ARYEH NEIER

Last November 12 in Dili, the capital of East Timor, Indonesian troops opened fire on what had been a peaceful demonstration. According to a National Commission of Inquiry, a body established by the Indonesian government in response to international protests, about fifty people were killed and some 90 are still missing. Observers say the death toll was higher and, as in Bangkok six months later, that the army carted away truckloads of bodies. The Catholic Bishop of East Timor estimated that 180 were killed; others put the figure at more than 200.

Demonstrations involve considerable risk in East Timor, occupied as it is by a country that over the past three decades has compiled one of the bloodiest records on human rights anywhere in the world. For much of that period the number of political prisoners—in absolute terms and as a proportion of the population—has been exceeded probably only in China. The residents of Dili may have been encouraged in the mistaken belief that they could demonstrate safely on this occasion by the presence of a U.N. human rights official, Pieter Kooijmans, the world body's special rapporteur on torture.

The demonstration began after a mass was celebrated for a young man who had been killed by the army two weeks earlier just outside the church. People marched down the street carrying banners and flags in support of independence for East Timor. Some may have been trying to reach the hotel where Kooijmans was staying but were blocked by security forces from heading in that direction. They proceeded to the cemetery where the young man had been buried. At the cemetery, troops opened fire on them.

Last month two army officers and a police corporal were tried before a military court in Bali for the killings. Six other members of the security forces are expected to be tried as well, though neither the names nor the charges have been made public. So far, the highest penalty is a token eighteen-month sentence for disobeying orders. Yet any prosecution for violating human rights is unprecedented in Indonesia, and reflects international pressure. Although the United States has refrained from criticism—as is its practice in the case of Indonesia—it has sent observers to the trials. Canada and the European Community have been forceful in their denunciations. In April, the European Parliament held an unusual public hearing on East Timor at which my colleague Sidney Jones, director of Asia Watch, who had investigated the massacre in Dili and written a report on it, provided testimony.

The Indonesian government, however, is also taking steps to dispel any impression that the prosecution of the officers is a sign of increased tolerance for dissent. At about the time the trial in Bali was getting under way, another trial was held in Jakarta. Five East Timorese students were convicted for their part in a peaceful demonstration in the Indonesian capital on November 19 to protest the massacre in Dili. Fernando de Araujo, 26, was sentenced to nine years on subversion charges for planning the Jakarta demonstration. The presiding judge said that de Araujo had "disgraced the nation in the eyes of the international community." De Araujo was also accused of heading a student group that supported Fretilin, the armed independence movement in East Timor, and of communicating with international human rights groups. Three other students got lesser sentences for "expressing hostility to the government": Agapito Cordoso, 25, got ten months; Virgilio da Silva Guttierez, 28, got thirty months; and Domingus Barreto, 29, got six months. A fifth man, João Camara, was also accused of having links to Fretilin as well as planning the demonstration, and was sentenced to ten years in prison for subversion. In another case pending in Dili, the prosecution has demanded a life sentence for an East Timorese, Gregorio Saldanha, for planning the November 12 funeral march. Seven others are also being tried.

It has long been something of a puzzle that Indonesia has not figured more significantly on the international human rights agenda. Several explanations come to mind, none entirely satisfactory. They include the geographical remoteness from the main centers in which human rights campaigns have been organized in Western Europe and the United States; the relatively small number of political exiles in the West; and the unfamiliarity of the language. Timing has probably been a more important factor. The bloodbath that followed the suppression of a purported Communist coup attempt in 1965 took place more than a decade before the emergence of the international human rights movement as a significant force.

By the late 1970s, when human rights became important politically, most of the more than 1 million political prisoners held without trial since 1966 or 1967 had been released. Yet severe repression has persisted: mass killings in East Timor following the invasion and annexation of the former Portuguese colony in 1975; summary executions and disappearances in recent years to suppress a separatist movement in Aceh, at the other end of the country; continuing persecution of aging former political prisoners and even of their children; executions of some of the alleged organizers of the attempted coup after they had been held in prison for two decades; and an anticrime campaign in the early 1980s in which police arbitrarily murdered thousands of suspected criminals.

The international response to the massacre in Dili last November was far greater than what has been customary where Indonesia is concerned. If that is followed by a strong reaction to the savage prison sentences imposed on young men who had the audacity to denounce the massacre, perhaps the Indonesian government will get the message that its immunity from such denunciations is coming to an end. It is about time.

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ARTICLES.

JUST SAY NOLO CONTENDERE

The Drug War On Civil Liberties

DAN BAUM

Of all the wars the United States has fought since 1945, not one has enjoyed the popularity of the War on Drugs. Americans tell pollsters they're more afraid of drugs than of unemployment or the deficit; drug enforcement, in fact, is one of the few government services for which people say they're willing to pay higher taxes. The consensus crosses racial, gender, class, ideological and geographical lines, so it's sometimes hard to tell the difference between the antidrug rhetoric of, say, Jesse Jackson and George Bush.

Which should come as no surprise. The horrors of drug abuse are so lavishly documented that in a single day it's possible to hear a report on *Good Morning America* about a Coast Guard marijuana seizure off Savannah, Georgia; then read in the morning paper about a drive-by shooting in Los Angeles; glance at a drug-free-workplace poster over the water fountain; listen to a call-in radio confessional about addiction; catch up on Richard Dreyfuss's battle against cocaine while waiting in line at the Safeway; hear from the kids about their D.A.R.E. "drug education" program at school; watch a "kingpin" brought to justice on *Miami Vice*; pop in a video of *New Jack City*; and wind up the day by participating in a crack-house raid on the 10 o'clock news.

This wide and shallow drug education obscures a horror that is harder to dramatize: the gutting of our civil liberties. While the violence and excitement of the War on Drugs hogs the spotlight, the Reagan-Bush-Quayle Administration is backstage building an unprecedented federal apparatus for putting people in prison. More Americans are in federal prison today for drug crimes than were in federal prison for all crimes when Ronald Reagan took office. The United States has a bigger portion of its population behind bars than any other country, including a female prison population that has doubled in six years. And half the Americans in prison today are black, even though only about an eighth of the population is. The United States, in fact, has a rate of black male incarceration five times that of South Africa. More American black men are in prison than are in college. The Justice Department estimates that by 1995 more than two-thirds of all convicts will be inside for drugs. This isn't a war on drugs; it's a jihad against people who use them.

And that includes anybody who has even the most casual contact with drugs. "User accountability" is the buzzword in President Bush's latest National Drug Control Strategy, and people are being arrested for simple possession at twice the rate they were in 1980. Most drug users aren't violent or dysfunctional, the strategy says, but they should be punished anyway because "the casual user imparts the message that you can still do well in school or maintain a career and family." For that, Bush wants casual users imprisoned as criminals, ejected from public housing, deprived of driver's licenses and cut off from both student loans and welfare. Criminalizing victimless drug use uncouples behavior from the societal harm it may cause in much the same way that archaic morality laws against consensual sex did. But a quarter-million Americans aren't in prison for consensual sex; they're in prison for drugs. That single, hopeless fact should at least suggest a serious debate about decriminalization. But instead, the War on Drugs has effectively turned a blue law into the biggest prison-filler in the land and loosed a huge army of federal police to enforce it. Alongside the familiar newspaper stories about innocent victims of drugs, we're beginning to see articles about innocent victims of drug policy, such as landlords whose buildings are confiscated because of tenants who use drugs, or whole families evicted from public housing for the sins of one member.

Defense attorneys can do their clients about as much good as Dr. Kevorkian can do his.

Meanwhile, the "drug problem" and the violence associated with it show no real sign of diminishing. The drugs are getting more serious, or at least the enforcement is; at the beginning of the 1980s two-thirds of all drug arrests were for pot and the rest were for heroin, cocaine and other drugs. Now that ratio is reversed. What hasn't changed, though, is that although drug "pushers" are supposedly the target of the war, twice as many people are arrested for drug possession as for dealing. Arrest figures and wildly inflated "street values" of seized cocaine have replaced the Vietnam-era body count, and are about as good a measure of who is winning the war. Addiction isn't the government's first concern; treatment and prevention get less than half the funding of enforcement. Instead, the goal is simply to lock people up.

Americans have from the very beginning used drug laws as an excuse to spy on and harass their political or ethnic enemies. The country's first drug ban explicitly targeted the opium of "the heathen Chinee." The first marijuana laws were passed by states fearing an immigration wave of "beet peons" from Mexico. Cocaine was first banned in the South to prevent an uprising of hopped-up "cocainized Negroes."

The War on Drugs has let the government concentrate unprecedented police power inside the Beltway. The total federal drug budget has increased elevenfold since 1980. (The

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United States spends half again as much on the drug war as it does on the Environmental Protection Agency.) Bush has doubled the corps of federal prosecutors, and while state-level wiretaps decreased during the eighties, federal wiretaps almost quadrupled. Even Chief Justice William Rehnquist—no softy on drugs—took it upon himself in February to chastise the Justice Department for overburdening the federal courts with petty drug cases.

It used to mean something to "make a federal case out of it." Now, though, local police and the idea of "local control" are almost irrelevant; first-offense marijuana possession is on the book as a federal crime, with a mandatory five-year penalty attached. "Every year they find more and more crimes to federalize," says Scott Wallace, legislative director for the National Association of Criminal Defense Lawyers in Washington, D.C. "What's next, a national police in brown shirts?"

Not satisfied merely to take over huge numbers of new drug cases, the Justice Department last year started combing the files of people who have already done prison time in state drug cases; then they pin a federal rap on them and send them back to prison for the same crime. Fifty-year-old Donny Clark made a mistake in 1985 and got caught with 900 marijuana plants on his Manatee County, Florida, farm. He served a year in state prison and forgot all about it. But last year, the Feds busted a pot ring in the area and decided Clark had taught the perps their agronomy, and in November, a federal judge sent him to the Federal Correctional Institute at Marianna, Florida, for the rest of his life without hope of parole. "Formally, the charge was conspiracy," Clark's prosecutor, Assistant U.S. Attorney Walter Furr, told me, "but the man was charged based on what was found in the search warrant in 1985." Simply put, Clark has been punished twice for those 900 plants. A Florida judge thought the crime was worth a year; Congress gave him life without parole, even though that mandatory sentence wasn't on the books at the time of his crime. That's not double jeopardy because he was sentenced by "different sovereigns"—the state and federal governments. And his case isn't an anomaly; Justice has a name for the new policy. "We call it Project Trigger-Lock," says Justice spokesman Doug Tillett. "The intent is to get bad guys off the street with apologies to none."

Above all, though, the Reagan and Bush administrations have succeeded in bribing local police to siphon citizens into federal prisons. They did so by slashing general assistance to local police with one hand and offering big drug-enforcement grants with the other. Then in 1986, the Justice Department started offering local police a cut of the cash, houses, cars, airplanes and other assets confiscated in joint operations with federal drug agents—cases that almost always go to federal instead of state court. Junkie-sick for funds, police responded with relish; since Justice started sharing the loot, confiscations have risen seventeenfold, to half a billion dollars a year, of which state and local cops last year got almost half.

In Missoula County, Montana—a place so far removed from the "drug problem" that police say they have never seen crack—two of the sheriff's eleven detectives and one of the county's five prosecutors are paid entirely by federal drug-grant money and assigned full-time to drug cases. Between grants and confiscated assets, the county's chief of detectives told the weekly *Missoula Independent*, drug enforcement is "just about the only type of law enforcement where you get a return on your dollar." Welcome to free-market criminal justice. With police dependent on the drug economy, it's hard to see their incentive for stamping it out.

As drug cases flood the federal courts, the punishments meted out there continue to escalate. Federal judges no longer have much discretion in sentencing; even the most small-potatoes marijuana crime—possession without intent to sell—carries a mandatory minimum. And if prosecutors don't like the sentence, they can appeal, a right that until 1984 was enjoyed exclusively by defendants. There's no federal parole anymore, either, so once you're convicted you're on the federal express; the mandatory machine kicks in and that's the last of you until your sentence is served.

It's gotten to where defense attorneys in federal drug cases can do their clients about as much good as Dr. Kevorkian can do his—quietly shepherd them through to the least painful

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end. The government gets all the time it wants to prepare its case; a defendant now gets only seventy days. The government can further cripple the defense by confiscating in advance any money the accused would use to pay a lawyer. "It's terrifying," says one Montana defense lawyer. "I've actually thought about resigning from the bar because there is less and less I can do for my clients." Just say nolo contendere.

The Supreme Court, meanwhile, is steadily eroding the protections against police excess promised by the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution. The Court during the past decade let police obtain search warrants on the strength of anonymous tips (Fourth and Sixth Amendments). It did away with the need for warrants when police want to search luggage, trash cans, car interiors, bus passengers, fenced private property and barns (Fourth). It let prosecutors hold drug offenders without bail (Eighth). It permitted the confiscation of property before a suspect is charged, let alone convicted (Fifth). It let prosecutors imprison people twice—at the state and federal levels—for the same crime (Fifth). It let police fly as low as 400 feet over houses in their search for marijuana plants (Fourth). It allowed the seizure of defense attorneys' legal fees in drug cases (Sixth). It allowed mandatory urine testing for federal employees (Fourth). And in a Michigan case last year, it let stand a sentence of mandatory life without parole for simple drug possession (Eighth).

None of these decisions rated more than a fleeting blip on the political radar. "What we have here is a classic conflict between civil liberties and effective law enforcement," a U.S. Attorney in Montana blithely told me during an interview. "And the will of the people right now, at least as expressed through their elected representatives, is for effective drug enforcement." A Louisiana defense attorney put it another way: "Our rights aren't being taken away," he said, "they're being given away." This for a "war" that, like most others, brings no clear result but violence and misery, even to the people in whose name it is waged.

There hasn't been much criticism of the War on Drugs so far because even as we celebrate the 200th anniversary of the Bill of Rights, any such criticism is essentially forbidden speech. Thomas Kline of Post Falls, Idaho, got a swift lesson in the dangers of speaking out when he wrote a letter to the editor of the *Coeur d'Alene Press* last October advocating the legalization of marijuana. A couple of days later, agents of the Idaho Department of Law Enforcement (IDLE) searched the garbage can behind his house—which is legal without a warrant—and found three grams of pot stems. On the strength of that evidence, they got a warrant, found seventeen joints in Kline's house and busted him. "We'd do the same thing again," said Wayne Longo, the IDLE agent in charge of the investigation, reached by telephone at his desk in Coeur d'Alene. "It's not that often that we see people writing in saying they're using dope." Of course, Kline's letter says nothing about his using marijuana; it's strictly an argument for legalization. Longo, however, wasn't interested in quibbling. "Look," he said. "I've commented on this all I'm going to." And he hung up. □

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ISRAELI ELECTIONS—I

Old Faces and New Voters

HILLEL SCHENKER

Tel Aviv

"No Slots for Dead Men" was the headline for a story about how Israel's Likud Party, with no small amount of regret, had decided against placing the late Menachem Begin in the 120th, honorary final spot on its parliamentary list for the June 23 elections. Two months after his death, Begin, via video clips and his son Benny Begin, a Member of Knesset who evoked his father's memory with a similar cadence and direct quotes in his speech, was the star of the Likud's kick-off campaign rally for the 1992 elections. The elder Begin's picture is featured on the side of the Likud's campaign trucks, while current Prime Minister and candidate Yitzhak Shamir seems to have virtually disappeared from sight. This nostalgia for Menachem Begin and his demagogy reflects elements of desperation that have crept into the minds of Likud campaign strategists.

As Election Day draws near, the Likud is running scared. Given the fact that there are 500,000 people living below the poverty line (out of a total population of 5 million), 200,000 unemployed and major problems in the absorption of the massive immigration from the former Soviet Union, this should not be surprising. The Likud also suffered a devastating blow when the annual report issued by the highly respected State Comptroller, Judge Miriam Ben-Porat, found that Likud government officials were guilty of improper behavior. Fifteen years in the halls of power seems to have produced a smugness in the party that is a breeding ground for the type of corruption that contributed to the downfall of Labor in 1977 after twenty-nine years in control. And to make things even worse, the Likud leadership has managed to insult and alienate Foreign Minister David Levy and

Hillel Schenker is a veteran journalist who covers Israeli and Middle Eastern affairs.

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his Sephardic followers [see Jill E. Hamburg, page 891].

Realizing that 1992 offers a genuine opportunity for a change in government, the opposition Labor Party made two important moves. It democratized its method of choosing its candidates for prime minister and the Knesset by creating a primary system that transferred the selection process from the 3,000-member Central Committee to the 150,000 party members throughout the country, and it selected Yitzhak Rabin to be its prime ministerial candidate.

It's hard to believe that a 70-year-old man who has been on the national stage since 1948 could be considered a "fresh young face." However, Shimon Peres's perennial (many would say inferior) rival, a former prime minister, defense minister, chief of staff during the Six Day War and ambassador to the United States, the only native-born Israeli to head the Israeli government to date, has a strange mystique that enables him to overwhelm the 77-year-old Shamir in every popularity poll. He is perceived to be a leader, and Shamir is not. Labor is building most of its campaign around Rabin's "leadership qualities," while the Likud is trying to chop him down.

Recently, the Likud unleashed a vicious smear campaign, accusing Rabin of being a drunkard and of having had a nervous breakdown on the eve of the Six Day War. In a series of extraordinary interviews, Rabin explained his one-day collapse on May 24, 1967, as being a result of general exhaustion and the terrible burden of the impending war and its potential casualties. Challenging a living national icon appears to have boomeranged against the Likud, and even two of its former generals, Tel Aviv Mayor Shlomo Lahat and Ramat Gan Mayor Tzvi Bar, came to Rabin's defense, saying that they prefer "a leader who has human qualities and feelings, to supermen who are insensitive to others."

A majority of younger voters (18-25) still lean toward the right, but the specter of unemployment and the leadership intangibles have cut that proportion from 70 percent to 58 percent. A lot of enthusiasm is being generated for the new left-wing Meretz bloc (Mapam, Ratz and Shinui), which is supported by many of Israel's leading writers, such as Amos Oz and A.B. Yehoshua, and which wins mock elections in many high schools and the universities.

More surprising are the 400,000 new immigrants from the former Soviet Union. When they began arriving in January 1990, everyone thought an overwhelming majority of them would support the Likud and its right-wing allies because of their supposed allergic reaction to any party associated with socialism. But the profile of the new immigrants is the same as those of the voters for the center-left: Ashkenazi, secular and highly educated. Today, the polls indicate a 3-to-1 preference for Labor and the left among the new immigrant voters. The primary reason for the "transformation" is the government's failure to absorb the newcomers. Forty percent have not yet found work, immigrant musicians line the streets of the major cities and families scrounge for food in the outdoor marketplaces on Friday afternoons. Beyond that, incompetent government policies have done a wonderful job of cutting immigration from the former Soviet Union down from a peak of 30,000 a month on the eve of the Gulf War to barely 3,000 a month. The message that immigrants send back to relatives in Moscow today is, Now is not the time to come.

The Arab vote will also be a major factor affecting the outcome of the elections. In 1988, only 76 percent of the Israeli Arabs voted in the national elections, as opposed to close to 90 percent of the Israeli Jews. The difference reflected Israeli Arab disaffection with Israeli politics, which did not produce significant results for them or for their brothers and sisters in the occupied territories. This year, the 300,000 eligible Arab voters could produce ten to twelve seats in Parliament. Sheik Abdullah Nimr Darweesh, leader of the growing Islamic Movement (a moderate fundamentalist movement that recognizes the State of Israel's existence), which claims to represent 30 percent of Israel's 760,000 Arab citizens, has reversed a previous position and called upon the Israeli Arabs to vote. West Bank Palestinian leader Faisal al-Husseini also called upon his brothers within the Green Line to cast their ballots. In both cases, calling for Arab participation in the elections essentially means calling on them to support one of the parties that compose the potential left-wing governing coalition.

Unfortunately, there is another type of Palestinian action that can also affect the outcome of the elections. On May 25, a young Palestinian from Gaza murdered a 15-year-old Jewish high school girl in the Tel Aviv suburb of Bat-Yam. He later told the police that when he woke up in the morning for his daily journey to Israel, he said to himself that he would either find work or murder a Jew. Extreme right-wing rabble-rousers used the incident to organize riots and anti-Arab actions, and past experience indicates that whenever security becomes foremost in people's minds, the right tends to benefit.

Meanwhile, the Likud is trying to keep its traditional voters in the fold ("The Likud is your home," etc.), while Labor and the left are cultivating dissatisfaction with Likud policies and leaders. The left is also pushing the idea that the peace process will collapse and the vitally needed loan guarantees from the United States will disappear if Likud is re-elected. Both the peace process and the loan guarantees are crucial to Israel's future economic and social health. Of course, even if Rabin wins enough votes to form a government, he may still reject a peace-oriented coalition that relies on Meretz and the Arab bloc in favor of another round of "national unity" with the Likud, a tried and true recipe for inaction. □

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ISRAELI ELECTIONS—II

Who Speaks for The Sephardim?

JILL E. HAMBURG

Jerusalem

Crowded in tenement blocks in the cities' industrial outskirts, the *shchunot*—the ghettos Israelis call "the neighborhoods"—are home to many of Israel's majority Sephardic Jews, the Mizrachim or "Easterners" whose grandparents came from Arab nations to absorption camps on these same sites forty years ago. Integration is a national ideology, but it doesn't always work. Neighborhood graffiti reads "AshkeNazis."

Charitable Israelis wring their hands over Sephardic crime and drug abuse, but the neighborhoods churn out cultural leaders: bands playing danceable Arabic music on rock and roll instruments, soccer stars, the country's best restaurants and, more recently, a new brand of political activist linking peace with social justice and cultural pluralism.

But the neighborhoods are also breeding a raw frustration that exploded at the end of May in the worst rioting in Israeli history. For five nights after a Palestinian killed an Israeli girl in Bat-Yam—"a dense, overwhelmingly Mizrachi town," according to Moroccan-Jewish political columnist Danny Ben-Simon—mobs wielding clubs and bottles massed in the streets, smashing windows and chanting "Death to the Arabs."

But no Arabs live in Bat-Yam, and the mobs never set off to find any. When the protesters started shouting "Death to the police," many observers agreed it was an expression of suppressed fury at Ashkenazi domination and racism struggling to be articulated. There was no history of police brutality against Sephardim; the police were simply the only representatives of authority on hand to attack. "The riots are about deep social problems—ethnic tension and social inequality," Ben-Simon says.

Political fervor first swept the neighborhoods and poor rural towns in 1977 when they carried then-underdog Menachem Begin and his Likud coalition into power, destroying in a flash the grip of the Ashkenazi Labor elite. Now a second rebellion is brewing, born of decades of impoverishment, the continuing denigration of Mizrachi culture and, most stingingly, the budget-trimming government's sudden willingness to spend hitherto unavailable funds on some 400,000 recently arrived Russian immigrants.

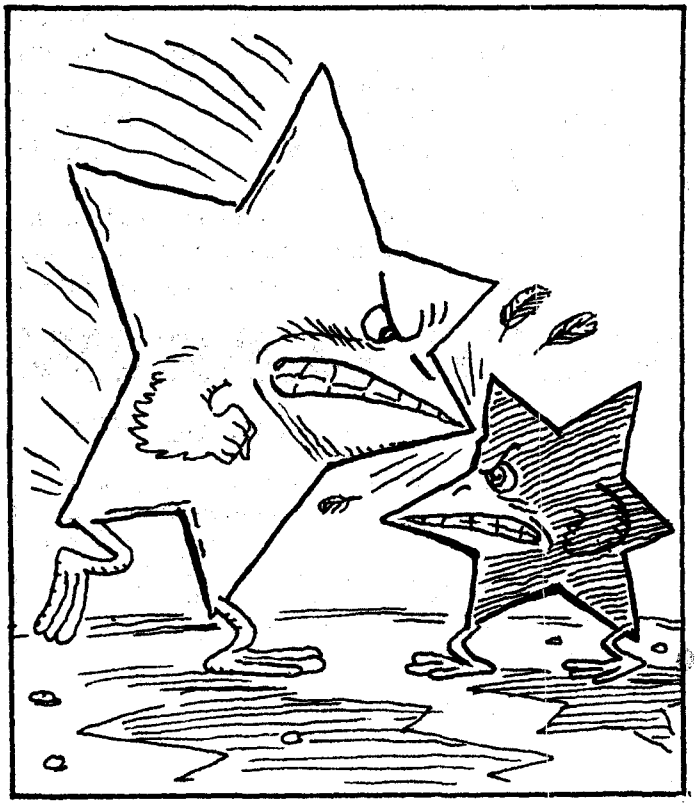
The neighborhood kids understand. "They think because we're not from Europe we can't succeed, so they send us to vocational schools," says Alon Na'im, a 17-year-old from the Dora neighborhood, where three of four high schools are on a vocational track, and fewer than 8 percent make it to college. "You say black and white. Black in the U.S.A. is like the neighborhood children here whose parents came from Africa. What happened in L.A.," he says, "I think it's coming in Israel."

Iraqi-Israeli activist and philosophy professor Yossi Yonah believes the Russians may be the catalyst. "No one objects on Zionist grounds, but there is a sectarian agenda behind the immigration: to reinforce white, European dominance of the country." Labor Member of Knesset Shimon Shitreet, a Moroccan-born law professor, calls the tense situation "very sensitive. But it's the major issue we're now coping with. We need to be careful."

Other Sephardic activists complain that Russians are getting special classes, even though public schools were just cut to three-and-a-half-hour days. Immigrants are pushing up housing costs. And while white Russian kids are tracked into universities in disproportionate numbers, only 17 percent of Mizrachi young people attend, according to Education Ministry figures. Russian Kazakhs, Bukharis and other Central Asian Jews, they add, are also increasingly ending up in the neighborhood trap.

Recent studies say Israeli poverty is the worst in the Western world; nevertheless, former Prime Minister Menachem Begin's showcase urban Project Renewal program has been abandoned, while funds have been redirected to settling the occupied territories. With record 11.4 percent unemployment, the Mizrachim are the worst hit: 25 to 30 percent of them live below the poverty line, according to leading sociologist Moshe Lissak. Government subsidization of the new immigrants' salaries by as much as 40 percent generates further anger.

"There is resentment at the sudden willingness of the government to spend on the *aliyah* [the immigrants]," says Yonah. "While they hold back funds for health, education, housing and jobs, suddenly the head of the Bank of Israel says it's O.K. to go 10 billion shekels into debt because these Russian doctors are a good investment."



Jill E. Hamburg is a freelance journalist based in Jerusalem.

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Community organizers like Arieh Na'im (unrelated to Alon) are angry. A 28-year-old who returned to Dora with an education degree only to get stuck back with his parents, he works in a youth center teaching ethnic pride and how to fight for quality schools.

The new-style politics are perhaps more necessary than ever as the Russian immigrants' sheer numbers begin to undermine the Sephardim's hard-won but limited political clout. After a forty-year struggle to become a decisive electoral bloc, they may be elbowed aside as major parties cater instead to the new Soviet voters.

"Politics was the only road to success," explains Ben-Simon. Most city mayors are Mizrachi. But in the course of their rise, they were threatening to transform the Likud from a right-wing Ashkenazi party into a moderate, populist Sephardic party. And the Likud's old guard, which spurned Moroccan Foreign Minister David Levy's Sephardic contingent when choosing its Knesset candidates, seems to want its party back. "The Mizrachim hope Arabs and Jews will live together," Ben-Simon says. "They bring Oriental brinksmanship: You give some, you get some. Levy says it's the way of the Middle East. But Sephardic influence has peaked now. The Russians have changed the political demography. We aren't needed as we were in the past."

Many on the left are also welcoming the tide of Russian Europeans as the Great White Hope, with surprisingly candid outpourings of racism. "Our country, which started its career as an Ashkenazi state, has slipped," writes Amnon Dankner, a left-leaning author and a columnist for the country's biggest newspapers. "Israeli public life is becoming more and more Levantine: primitive prejudices, ugly celebrations, and the air is filled with their strong smell. Is the *aliyah* from Russia going to change all this? You can bet on it! Think about it," he wrote. "Half a million Jews who love to learn and read!"

Like most racist discourse, Israel's is bolstered by pseudo-science. A widely taught system of pedagogy called The Frankenshtein Method says Sephardic students have different cognitive abilities and must be given more instruction than the Ashkenazim in skills like abstract thinking and deferral of gratification.

The Stop the Immigration political party, which failed for technical reasons to qualify for the upcoming elections, is a sign of the times. Founder Cohavi Shemesh, an Iraqi-born, 1970s militant with the now-defunct Sephardic Black Panthers, argues that real progressives must accept Arab culture inside and outside Israel and must embrace an economic justice agenda. "They hate Arabs, so they hate those who come close to them," he says of the the Ashkenazi left. "Yet we and the Arabs share a common culture. We're closer today to Arabs than to those coming from Russia." Actually, the Mizrachim are widely regarded as war-mongering fanatics—after all, they are steeped in Arab culture—though no Sephardic M.K.s are hard-line hawks and Kach, the followers of ultra-right wing Rabbi Meir Kahane (who was assassinated in New York City in 1990), are overwhelmingly Ashkenazi. Shas, the orthodox Sephardic party, favors dialogue with the Palestinians and the Arab nations and territorial compromise.

Comparative literature professor Shlomo Elbaz, a longtime Moroccan activist running in another small party, Hope, says simply that Mizrachim are the only viable bridge to Middle East peace. "We're not invaders here," he says. "The left wants to give back the territories and separate. They don't like Arabs and they neglect social problems. That kind of peace doesn't interest us. Mizrachim say, 'All those nice people fighting for the Arabs—let them come first to make peace with us.' "□

Anti-Politics

(*Continued From Front Cover*)

the Ins and the Outs." Mo Guernon, teacher and co-founder of Operation Clean Sweep, an anti-incumbent citizen group, declares, "I've never seen so many people so upset for so long about what is going on in state government. . . . If the Soviet empire can reform, why can't little Rhody?" Ray Rickman, a progressive black State Representative who is running for secretary of state, believes that "the entire Democratic Party is in trouble. Most incumbents are in real trouble. If they have an opponent, they're gone." Jack Kayrouz, owner of a pizzeria and video store and founder of Citizens for Depositors Rights, a protest group, admits, "I trusted the government. . . . I was so stupid. . . . What we need is a revolution. Nobody can salvage our situation unless we throw them all out."

Why are these men and women talking this way? Rhode Island is a hothouse for the anti-politics sentiment sprouting across America. And for good reason. On January 1, 1991, the unthinkable happened: The banking system collapsed. Approximately one-third of the state's 1 million people had their accounts frozen, losing access to their money—in many cases their life savings. A decade of runaway speculation, which saw the price of single-family homes in Providence, the state capital, rise at a faster rate than in any metropolitan area in the country, ended with a crash. Exposed in the process: rampant self-dealing and foolish lending by many of the state's largest banks, an insolvent deposit insurance system, lax oversight by state banking regulators, vote-buying and corruption at the highest levels of state government.

The past eighteen months have been a time of political upheaval not seen in the state since the 1930s. Newly elected Democratic Governor Bruce Sundlun's clumsy handling of the banking disaster, which had its roots in the same forces and decisions that led nationally to the S&L crisis, generated a powerful movement of aggrieved depositors. At one point, angry demonstrations nearly turned into riots on the interstate that runs through Providence. And while the banking crisis has been at the center of attention, Rhode Islanders have also just seen a former Republican governor fined for steering state contracts to political supporters while in office, a Democratic mayor of one of their largest cities arrested for allegedly shaking down a local contractor for campaign contributions and the exposure of hundreds of lucrative "special pensions" voted by the legislators for their cronies.

This is not exactly a new or unique story. From Wall Street and the savings and loans to Congress and the White House, the scandals have been numerous. But in few places has the corruption been as systemic and its effects as widespread and

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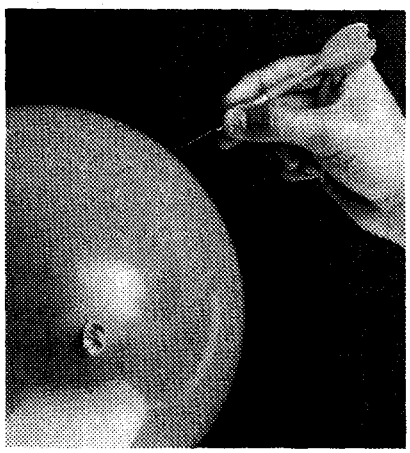

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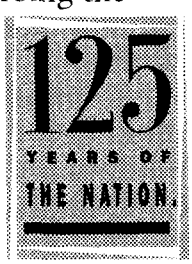

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directly felt as in Rhode Island. With the whole political establishment seemingly implicated in the state's corruption, outsiders of the center, right and left are trying to mobilize—some even to start a third party. At the same time, the demand to throw the bums out is at odds with a political and corporate establishment seeking modest and controlled change. The question is whether the volatile mix of political and economic frustration can be harnessed by progressives, or indeed by anybody.

The 'Little People' and Their $100,000 Accounts

"No state financial crisis has ever been largely solved so quickly," Governor Sundlun bragged six days after the bank closings. It was this sort of arrogance that soon turned Sundlun into a lightning rod for angry depositors. (Ironically, many had earlier given Sundlun their votes, attracted to his Perotesque slogan: "I'm a businessman, not a politician.") As state efforts to resolve the situation of the closed banks floundered in the following months and the accounts of thousands remained frozen, people began to organize to demand their money back, right away, whatever the cost. One group, the Coalition for Depositors Rights, brought together separate associations at each of the affected institutions. Another, Citizens for Depositors Rights, coalesced around Jack Kayrouz, the charismatic businessman who got the media's attention early on by objecting to Sundlun's suggestions that the failed banks be liquidated rather than resuscitated and that depositors with more than $100,000 in their accounts not be reimbursed. (During the height of the go-go 1980s several banks, relying on a state-chartered private banking association that later collapsed, had actually promised to insure individual accounts of up to $500,000 for select depositors. By comparison, the U.S. Congress, led blindly down the banking deregulation path by then–House Banking Committee Chairman Fernand St. Germain, not coincidentally a Rhode Island man himself, had pushed federal deposit insurance up to only $100,000.)

By last fall, anger at the governor's mishandling of the crisis was at its peak. Galvanized by the depositors' groups, thousands demonstrated at the State Capitol, demanding Sundlun's resignation. "How can we really expect a multimillionaire to feel with us, the little people?" roared Kayrouz at one of many rallies. People began picketing political fundraisers, saying, "They shouldn't raise any money until we get ours." Often the scene turned ugly, as in a melee at a Sundlun fundraiser at the Holiday Inn in Warwick, where hundreds of middle-aged, conservatively dressed men and women charged across an open field, whooping war cries while clutching their briefcases and pocketbooks in an effort to circumvent a police barricade and reach the target of their anger. At another demo, seven depositors, five of them senior citizens, were arrested for trying to block traffic on I-95.

All this raw energy finally forced action. A bailout bill was rushed through the legislature this January that promises depositors 90 percent of their funds by the end of June and the rest in long-term debentures. The total cost of the bailout, including interest and administrative fees, will be in the neighborhood of $1 billion, a number that will undoubtedly haunt taxpayers and lawmakers for years to come. At the moment, Rhode Island is facing a projected $200 million hole in next year's budget. Concerns about that deficit, and worries that it will be resolved on the backs of the poor, caused several progressive legislators to try to cap the payback at $100,000 or, failing that, $250,000 or $500,000 per account (according to one estimate, there were only about 1,100 depositors with more than $100,000 in their account, totaling about $200 million in all). But the demands of the few won out.

Distrust is the defining stance of the anti-politics culture.

Why? For all its populist style, the depositors' movement was never anti-rich. Even if some of the $100,000-plus group were truly wealthy, plenty were people who had simply retired, sold their homes at the height of the real-estate market and planned on living on the interest from their C.D.s. Nor were the movement's leaders much interested in drawing connections between the speculative boom of the 1980s, the banks' collapse and the need for new structures of regulation and depositor oversight. No one demanded any meaningful quid pro quo for bailing out the banks. Ironically, the feeling seems to be that since the banks are now covered by the F.D.I.C., there's no more need to worry.

This trajectory can be explained partly by the vagaries of how the movement came together. Leadership fell into the hands of those depositors who moved to organize earliest or those who had some banking savvy—often petit-bourgeois businesspeople or out-of-work financial consultants. And the healthy distrust they and their followers felt toward the politicians who had betrayed them by ignoring the banks' parlous situation for so many years overflowed into a distrust of nearly all things "political."

Anti-Politics and New Politics

"Today," wrote C. Wright Mills in 1959, at the end of the last great decade of complacency, "many people who are disengaged from prevailing allegiances have not acquired new ones, and so are inattentive to political concerns of any kind. They are neither radical nor reactionary. They are inactionary." One of the great questions of the moment in any of the places where anti-incumbent fervor is brewing is, What happens when conditions or events cause a large chunk of these "inactionaries" to begin to move? In Rhode Island, fear of what may happen this fall has had the politicians scrambling. But no one really knows if the specter haunting the statehouse will materialize in November.

Still, the irregular energies of citizen initiatives are churning. There are glimpses here of the same social fragments in motion within the Buchanan, Brown and Perot campaigns, as well as distant but discernible echoes of the anti-politics movement of Eastern Europe.

First there are the depositors' organizations, the Citizens for Depositors Rights and the Coalition for Depositors Rights. While some observers expect them to fade once the bailout goes through, others expect their anger to simmer until fall. "I don't think they can be bought off with their own money,"

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says Ray Rickman. Then there are the advocates for the public interest: the anticorruption group Operation Clean Sweep, started last summer; the Government Accountability Project, founded earlier in 1991 by former Attorney General Arlene Violet to expose conflicts of interest in the statehouse; the state chapter of Common Cause, which has fought a long and lonely legislative battle for ethical reform; and RIght Now!—a coalition of corporate and church leaders mobilized in large part by Phil West, Common Cause's executive director—which has led the lobbying for political reform this spring.

Finally, there are what might be called the extraparliamentary electoral forces. On the Republican periphery, the ubiquitous Violet has tried to create a new political party devoted to drastic anticorruption measures. And on the Democratic side, there is the progressive coalition Ocean State Action, which has succeeded in electing several legislators and whose members could form the backbone of an independent political campaign if a candidate could be found.

In the welter of new voices and existing groups adapting to changing circumstances, some patterns can be detected. Distrust is the defining stance of the anti-politics culture; all traditional political practice is seen as tainted and corrupting. In its place are purism and obsessive volunteerism. For example, Jack Kayrouz's group is insistently "apolitical." Those in its inner circle have pledged to one another not to use their involvement and media visibility as a springboard for personal political ambition. And they have rejected entreaties to "professionalize" their organization, returning all donations (they say) and refusing to put the thousands of names they have collected into a database for fear that they might fall into the wrong hands or be abused by political opportunists.

Since already-existing groups are also distrusted, forming coalitions becomes very difficult. Everyone, it seems, is reinventing the wheel. Operation Clean Sweep was started by five friends (an account executive, a teacher and marketing consultant, a sales rep, a Catholic-school administrator and a small businessman) who, in the words of Mo Guernon, were "tired of commiserating about how powerless we felt." They are now arduously building chapters across the state and slowly sifting the records of all state legislators. In many ways their work parallels that of the Government Accountability Project. But because of GAP's ties to Violet, who many speculate will one day again run for office, the organizers of Operation Clean Sweep have kept to their own path. While the two groups do cooperate, says Guernon, "my concern is not to hitch the reform movement to a person seeking political office."

Talk radio is the new underground press. At the height of the banking crisis, the depositors' groups kept themselves informed and mobilized by calling in to their talk-show allies. The medium has an inherent accessibility; you don't need an advanced degree to express yourself on radio. But talk radio also seems inevitably to favor certain messages. The airwaves are full of callers angered by the latest pension scam or cushy political appointment; outrage over proposed spending cuts in programs for infants born into poverty does not get amplified and reverberate in the same way.

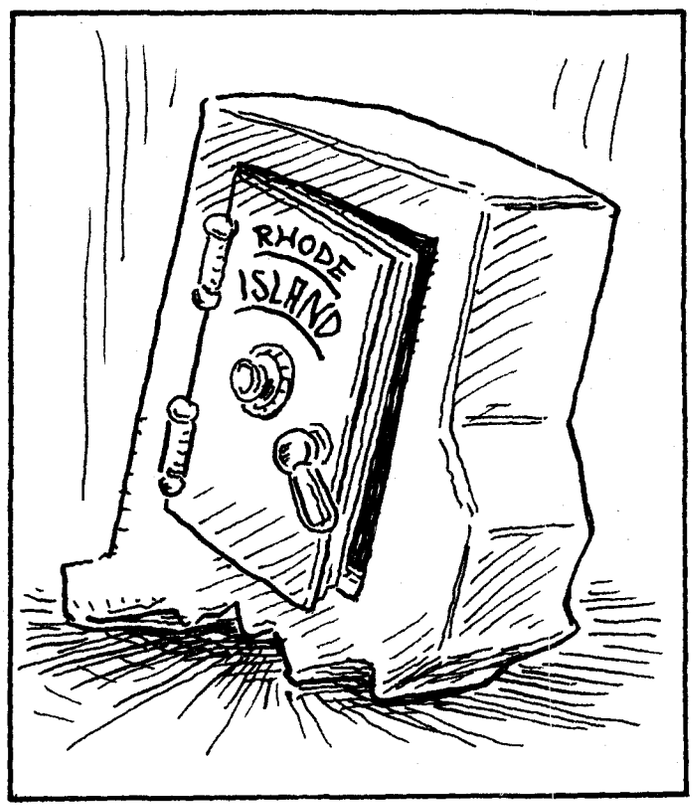
Outsiders and Insiders

Perhaps the most important fault line visible in Rhode Island's emerging political scene is that between the styles and concerns of small business outsiders and those of corporate-supported good-government insider types. It's Main Street versus Wall Street, "people's lawyers" versus fancy lawyers, openness versus behind-the-scenes bargaining, "straight talk" versus "politicianese." The gap is illustrated by the ongoing struggle over political reform. On one side, RIght Now! has lobbied the state legislature to pass a package of ethics reforms that the establishment has long opposed. The package would restructure the State Ethics Commission, put in place anti-nepotism provisions, require the reporting of political contributions by state vendors, enact moderate campaign finance reform, switch statewide offices to four-year terms with recall and place a one-year ban on the so-called revolving door, the shuffling of state jobs to retiring legislators.

"What we have here is dramatic, historic reform," said Phil West, the day Governor Sundlun endorsed RIght Now!'s proposals. Given that the powers that be have blocked similar legislation for years, passage of this package would mark an important gain for advocates of good government.

But many other reformers are critical of the limited scope of RIght Now!'s agenda. David Willis, until recently executive director of the Government Accountability Project, says, "The time is ripe to change the system wholesale—to settle for halfway measures now is a mistake." His group is one of several public interest organizations demanding the enactment of direct voter initiative powers; a drastic $100 limit on campaign contributions, including a probably unconstitutional restriction on donations to candidates outside one's constituency; meaningful reform of an inbred judicial selection process; a line-item veto power for the governor; a two-year delay on the revolving door; and voter approval on all major bond issues.

Getting to the heart of the matter, Ray Rickman, a long-



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What is patriotism? The term is ritually invoked to rally people behind this or that policy, or to damn those who oppose the policy—most recently during the gulf war. In an increasingly interdependent world is patriotism obsolete? Can people on the left *be* patriotic? In this special 125th anniversary issue some ninety contributors give their answers, in prose, poetry and art. Copies of this historic issue are available for $4 each; $2.50 each for orders of 10–50 copies; please call for special prices on larger orders.

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time ally of Common Cause, complains, "There is nothing in the RIght Now! package that empowers people." Rickman and Willis both point to RIght Now!'s connections to the Chamber of Commerce crowd. Alan Hassenfeld, RIght Now!'s founding chairman, is chairman and C.E.O. of locally based Hasbro, the Fortune 500 toy manufacturer. Says Willis, "Hassenfeld, his wife and a number of his board members all maxed out on Sundlun in the 1990 election." And before that, says Rickman, he was "in bed with [Republican] Governor DiPrete." Phil West insists that Hassenfeld's involvement "has lent credibility to the campaign." But as Ocean State Action's executive director Scott Nova asks, "Why exactly do we need people like Hassenfeld to lend legitimacy to what should be a grass-roots movement? And why did the initial process of determining RIght Now!'s agenda and strategy need to take place in closed-door meetings at Hasbro?"

This debate over the nature of political reform is not likely to be resolved anytime soon. Much of the conflict is really about positioning for the fall election, since few of these measures will have any immediate effect on ethics in Rhode Island anyway. The incumbents know they have to look like reformers; Operation Clean Sweep's Guernon, who calls them "political cross-dressers," is dubious nonetheless.

Party Time for Independents?

With public anger at a boil, a highly unpopular incumbent Democratic Governor and a historically weak Republican Party unlikely to seize the moment, the situation in Rhode Island is ideal for a great leap forward in independent politics. But so far, no one has managed to stitch together a coherent effort. The gap between anti-politics and new politics is larger than many imagine.

Arlene Violet has been trying to create an independent reform party since last fall. In her conception, the fledgling party's anticorruption platform would be quite rigorous, even fanatical. For example, none of its candidates would accept campaign contributions from vendors who do business with the state, and if elected they would endeavor to pass legislation prohibiting vendors from making political contributions. "You should get a contract because you're the lowest well-qualified bidder, not because you know somebody," says Violet.

The most drastic of Violet's ideas for her new party is an outright ban on legislators' voting on issues in which they have a conflict of interest. "In the General Assembly," says Violet, "the two largest groups [represented] are teachers' unions and lawyers. And legislation is consistently voted upon that benefits those two groups." She would go so far as to prevent a legislator who happened to be a teacher or a union member from voting on any issue affecting a union matter, or a person who happened to have children in the school system from voting on education funding. "I know that's harsh," she says, "but Rhode Island needs strong medicine because of its past."

With this sort of focus, it's no surprise that much of the drive within Violet's core group comes from frustrated Republicans like herself rather than insurgent Democrats. Maverick Democrat Ray Rickman has decided to run for secretary of state on his own. In what may be the most straightforward steps anyone could take to enhance democracy in the state, he wants to use the power of the office to open all public rec-

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ords to citizen scrutiny and effect universal voter registration. Despite Violet's efforts to recruit him, he has resisted. "They want me because I'm African-American—in a state with a 10 to 12 percent minority vote—and because they want a real reformer on their slate. But I want a clean, efficient government to clean up the bay, take care of prison reform and help the poor. They want a clean, efficient government to assist businesspeople." Still, Rickman is supportive of their efforts. "I like the idea of a third party and I am dog-tired of the Democratic Party," he says.

Well, in the year of the improbable Ross Perot, why can't progressives in Rhode Island take the leap? Last fall, conscious of Governor Sundlun's abysmally low standing, Ocean State Action did start to explore the possibilities of backing a progressive Democrat or independent for governor. A poll the group commissioned found strong support among Democratic voters for a new candidate who "would promise to fight corruption and waste in state government." An even larger group of those surveyed backed a hypothetical fighter "for education and health care and fair taxes for working and middle-class families [who] would stand up to powerful corporations." But finding public backing for such a candidate and finding the actual person and the money to fuel his or her campaign are two different things. Unfortunately, says Ocean State Action's Scott Nova, "it's easier for Arlene Violet to recruit angry, pro-reform candidates than it is for us to find people who are pro-choice, pro-environment, pro-labor *and* pro-reform." And while he was intrigued with the prospects for a political independent, he saw little chance that O.S.A. would risk moving in that direction. "An unknown progressive Democrat already has difficulties raising money," he allowed. "Running as an independent might be advantageous politically, but it makes fundraising even more difficult." As it is, his coalition is going to concentrate its limited resources on electing more progressives to the legislature and on preventing draconian cuts in social spending, if possible by increasing taxes on the rich.

And so we find that Rhode Island is a mirror of our national predicament. Old politics is discredited, anti-politics is the rage, but a new politics is still waiting to be born. There will be many challengers to the incumbent party this fall, but for the most part they will be a random, self-selected bunch. As the leaders of the depositors' groups and the anti-incumbent forces show, not all the new activists bashing the establishment are friends, or even ideological cousins, of earlier movements that challenged the reigning powers; indeed, many seem to come from or identify with the same class of "self-made" businessmen that Ross Perot represents. The voters may well elect many of these newcomers simply because they think they're not old boys. A dark horse independent could yet surface in Rhode Island and do very well, assuming he or she could finance a campaign. And progressive insurgents who make their move as part of this larger wave stand to advance as well. But this kind of disorganized process is not likely to bring change, just a temporary catharsis and then further disarray and disaffection. The question is, what will Rhode Islanders, and the rest of us, be talking about the day after the election? □

EDITORIALS.

(*Continued From Page 881*)

lierism) about who will be Prime Minister—and he is not averse to anyone filling that post, so long as that man or woman has not been tainted by an official relationship with the de facto regime. He has agreed not to disband the Haitian Army that overthrew him.

The solution to the Haitian crisis is simple: The United States must strengthen the embargo and not exclude some form of O.A.S. blockade of Haiti. It must use its considerable clout with Haiti's neighbor, the Dominican Republic, to stop oil and other embargoed goods from traveling across that very open border. It must call for O.A.S. or U.N. financed democracy observers force to accompany Aristide on his return to Haiti. Human rights advocates and international jurists should be brought in to help the Aristide government establish norms for documenting and punishing crimes committed under the auspices of the de facto regime.

Above all, the United States must eventually agree not to force Cédras on Aristide. How can a president accept as the head of his army the very man who overthrew him? How can he govern with his betrayer controlling the forces of order? It's a deadly proposition that flies in the face of precedent and common sense. But then, so has the entire U.S. policy on Haiti since Aristide's ouster. AMY WILENTZ

Amy Wilentz, the author of The Rainy Season: Haiti Since Duvalier *(Simon & Schuster), is also a board member of the National Coalition for Haitian Refugees and a consultant to Americas Watch.*

STAFF NOTES

Congratulations to Micah L. Sifry, who moves up to associate editor. One of six former interns now on the staff, he was a Carey McWilliams Fellow before becoming an assistant editor in 1987.

Some new names on the masthead augur strengthened foreign and domestic coverage. Karl Taro Greenfeld, who has been filing on the Far East from Tokyo, will be our correspondent there. Stephen Hubbell, a frequent contributor on the Middle East, becomes our Cairo-based correspondent. Other familiar names join the ranks of contributing editors: Lucia Annunziata, recently named a Neiman Fellow, a journalist who has covered her native Italy, the Middle East and Latin America; Slavenka Drakulić, who writes from Zagreb and whose collected essays, *How We Survived Communism and Even Laughed*, were recently published by W.W. Norton; Bruce Shapiro, a frequent byline in our pages and also director of the Nation Institute's Supreme Court Watch and Grass Roots Reporting Project; and Amy Wilentz, another ex-intern, whose bio you may read above. Welcome to all—again!

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BOOKS & THE ARTS.

To 'Deprave and Corrupt'

HENRY LOUIS GATES JR.

GIRLS LEAN BACK EVERYWHERE: The Law of Obscenity and the Assault on Genius. *By Edward de Grazia. Random House. 814 pp. $30.*

That Edward de Grazia's new history of obscenity law should prove so very timely is a cause for considerable regret. Today a powerful anti-obscenity measure is gathering support in the Senate Judiciary Committee, while similar bills have been launched in some state and municipal legislatures. Earlier this year, the Supreme Court of Canada promulgated the controversial MacKinnon-Dworkin definition of obscenity as the law of the land north of our border. Combining the political muscle of the right with the high-powered social theories of the left, a new anti-obscenity alliance has galvanized the once-depleted arena of obscenity law and recast its very terms of argument. What de Grazia's history makes clear is how very much we have come full circle.

Organized into chapters that detail celebrated or otherwise significant obscenity cases, *Girls Lean Back Everywhere* brims with anecdotes and tidbits unrelated, strictly speaking, to the legal issues at stake. This is actually a loose, baggy monster, the book of someone liable to put in pretty much whatever interests him. I'm not complaining. One invaluable service the book performs is to reprint verbatim the "obscene" passages—the "good bits"—of the prosecuted texts under discussion. People sometimes forget that there *are* any good bits in Zola or Dreiser, and it's helpful to have them before us in tracing the shifting standards of obscenity. Moreover, the gossipy details that de Grazia provides—and that standard legal histories studiously omit—shed unaccustomed light on the actual vagaries of legal decision-making.

For instance, Judge Samuel Epstein of Chicago established a legal landmark in 1964 when he decided—against much political pressure—to allow publication of the Grove Press edition of Henry Miller's *Tropic of Cancer.* But was it irrelevant to his deliberations that the father of Barney Rosset, publisher of Grove, was a friend of his? Or that Epstein's two sons (one a lawyer himself) let him know they'd never speak to him again if he ruled against Miller? (Judge Epstein's predicament brings to mind Ambrose Bierce's definition of a statesman: a politician who, subject to equal pressure from both sides, remains upright.)

The magistrate pronounced: 'It does not follow that because a book is a work of art that it is not obscene.'

Or consider Lenny Bruce's conviction by the Criminal Court of the County of New York in 1964. Judge John Murtaugh led a three-judge bench, but his two colleagues evidently did not share his outrage at Bruce's nightclub act. To secure the conviction, therefore, he threatened his most vulnerable junior colleague, a black judge named Kenneth Phipps: Phipps could vote to convict, or he could spend the rest of his term in traffic court. Ah, sweet justice.

De Grazia's narrative begins with what was dubbed the "judicial murder" of a publisher named Henry Vizetelly, who was sentenced to prison for the crime of publishing Émile Zola's *La Terre.* Vizetelly should probably have known things would not go well when he was assigned a barrister named Mr. Cock Q.C. ("a fat unwieldy man with a startling red face," Vizetelly's son recalled). Cock told the court flatly that "there could be no defense" and instructed the elderly publisher to throw himself on the mercy of the court. It had none. Vizetelly would die in prison in 1894, one of the first martyrs to great literature in the history of modern obscenity law.

What doomed the likes of Vizetelly, and so many others in the succeeding half-century on both sides of the Atlantic, was a rule first enunciated in England in 1868 by Lord Cockburn in a case called *Regina v. Hicklin.* It defined obscenity by its tendency "to deprave and corrupt those whose minds are open to such immoral influence." For most judges who applied the *Hicklin* test, girls were considered most susceptible to wayward influences; literature unfit for them was unfit for all. Passing judgment on the 1928 Jonathan Cape edition of Radclyffe Hall's *The Well of Loneliness*, the presiding magistrate allowed, "There are plenty of people who would be neither depraved nor corrupted by reading a book like this, but it is to those whose minds are open to such immoral influence that I must refer."

A peculiarity of early obscenity law was that the state gave sweeping powers of law enforcement to ostensibly private associations. In the first few decades of this century, the New York Society for the Suppression of Vice was granted powers of search and seizure and allowed to split whatever punitive fines might be levied on the purveyors of vice, an arrangement that provided it a financial incentive to root out evil [see Bruce Shapiro, "From Comstockery to Helmsmanship," October 1, 1990]. And what was then standard legal protocol made the prosecutor's task absurdly easy.

First, there was no requirement that a work be considered as a whole. Prosecutors could, and usually did, enter *only* the naughty parts in evidence. In England, at the 1928 trial of *The Well of Loneliness*, the attorney general said that "even were the whole book as to ninety-nine one-hundredths of it beyond criticism, yet one passage might make it a work which would have to be destroyed as obscene." (In this case, it was one sentence that truly offended, to wit: "And that night they were not divided." It was the only line in the book that specifically implied sex.)

Second, the issue of artistic merit was deemed wholly irrelevant. Forty prominent authors and critics assembled at the Old Bailey as witnesses for the defense of *The Well of Loneliness.* Among them were Rudyard Kipling, Hugh Walpole, Rose Macaulay, Julian Huxley, E.M. Forster, Virginia and Leonard Woolf, and Vita Sackville-West, a veritable Norton Anthology of Edwardian literature. The presiding magistrate was unimpressed, ruling their testimony inadmissible. "I reject them all," he pronounced. "It does not follow that because a book is a work of art it is not obscene."

Henry Louis Gates Jr. is co-editor of Transition, *a quarterly review, and the author most recently of* Loose Canons: Notes on the Culture Wars *(Oxford).*

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Hicklin was dealt its first serious blow in 1957, ironically in a case in which the U.S. Supreme Court upheld a ban on the publisher Samuel Roth's edition of Aubrey Beardsley's *Venus and Tannhäuser*. For *Roth v. United States* was the first major obscenity case in which the First Amendment was invoked as an inhibitory consideration. Affirming the conviction, William Brennan's majority opinion nevertheless introduced a new test for obscenity. Paradoxically, he recognized the relevance of the First Amendment in the very act of ruling obscene material beyond its purview. Obscene material, for Brennan, appealed to prurient interest and was without redeeming social importance.

Unpromising as it sounded, this notion actually sponsored the post-*Roth glasnost* in obscenity law. For if obscenity was utterly devoid of social value, it was an immediate corollary that anything that was *not* utterly devoid of social value, no matter how salacious, was ipso facto not obscene. This conclusion was explicitly set forth in Brennan's opinion in *Jacobellis v. Ohio* (1964), which involved a theater manager prosecuted for showing Louis Malle's film *The Lovers*. Summary reversals of lower-court obscenity convictions soon became routine, in a process known as "Redrupping" (after a decision exonerating a Times Square newsstand clerk named Redrup).

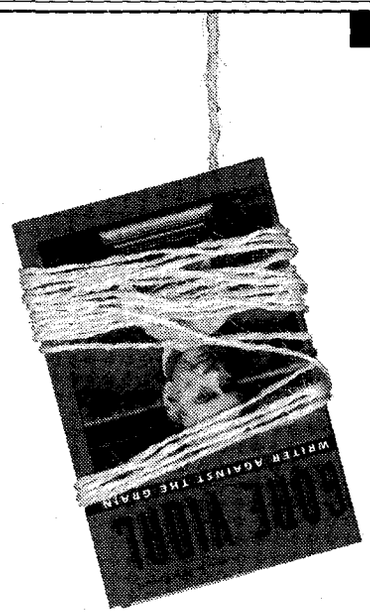
With Brennan assigned a shaping role (Earl Warren himself was a prude), the Warren Court incrementally moved toward a position of greater permissiveness. Oddly enough, though William O. Douglas and Hugo Black were more or less First Amendment absolutists, they failed to exert much influence on their brethren because of the very "extremism" of their views. It was Brennan who was able to eke out compromise positions acceptable to his less liberal colleagues. Thurgood Marshall also pulled his weight with a landmark opinion in *Stanley v. George* (1969), which held that an individual had the right to view concededly obscene material in the privacy of his own home.

Indeed, de Grazia's narrative of the Warren Court years is, in general, triumphalist in tone, and understandably so. As an attorney associated with the A.C.L.U., de Grazia himself comes in for a few star turns in these crucial years, having defended a number of high-profile obscenity cases. (In his *Armies of the Night*, Norman Mailer—who took the stand as an expert witness to defend the artistic merit of William Burroughs's *Naked Lunch*—described defense attorney de Grazia as "a slim, elegant Sicilian" bearing a "pleasant resemblance" to the young Frank Sinatra.)

To be sure, the *Jacobellis* test still left plenty of perplexities to be sorted through. Take, for example, the notion of "prurient appeal." Appeal to whom? *L'homme moyen sensuel*? In 1966, the Court ruled that prurient appeal to "deviant" interest could qualify something as obscene, but (though de Grazia doesn't go into this) we can assume they had a strictly delimited subset of "deviants" in mind. *Dumbo* would not be banned out of a concern for susceptible ear fetishists.

De Grazia may be stout of heart, but his triumphalist spirit flags after the Warren era. President Johnson's nomination of Abe Fortas to replace Warren as Chief Justice inspired a vicious Republican smear campaign—largely focusing on, and sensationalizing, the Justice's permissive pattern of voting in obscenity cases—an episode that made the Bork hearings look like a royal coronation.

Since the appointments of the Nixon Administration, the Court has presided over a slow retrenchment in obscenity law. Thus Brennan's *Jacobellis* doctrine—



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where obscenity had to be "utterly without" social value—gave way to the test, still regnant, expressed in Warren Burger's decision in *Miller v. California* (1973), where such value had to be *significant* before earning First Amendment protection. (How many books are published that can really claim to have *significant* artistic, political or scientific value?)

Worse still, the invocation of community standards in *Roth* (by which Brennan avowedly means the *national* community) was redefined in *Miller* so as to confer on *local* communities the right to determine what was, to their tastes, "patently offensive" and what would "appeal to the prurient interest in sex." At the time, it seemed a recipe for disaster. In a worst-case scenario, de Grazia notes, federal prosecution for violating federal obscenity codes might be brought against a New York magazine received in a Bible Belt community and adjudged in that community; found obscene by local standards, the publication could then legally be repressed nationwide. Consternation was widespread. (In the preface to his novel *Myron*, published shortly after the *Miller v. California* decision, Gore Vidal announced that he had prudently decided to change all the "bad" words in his book to "some very good words indeed": the names of the Supreme Court Justices who concurred in the decision.)

Ironically, the brakes on the suppressionist agenda came not so much from judicial scrutiny as from the reluctance of many local prosecutors to exploit the revamped protocol. If, in the *Redrup* era, the Supreme Court seemed in advance of community conventions, the reverse may have been true in the post-*Miller* era. Once again, however, the tide may be shifting. Last fall, President Bush delivered a speech that described the threat of pornography in direst terms and encouraged the suppressionist efforts of the Religious Alliance Against Pornography. Not to be outdone, his Republican challenger Patrick Buchanan energized his supporters with lurid television ads that warned—in white block letters superimposed against a backdrop of shirtless black males—of "Art Too Shocking to Show."

In his 1990 decision against the 2 Live Crew album *As Nasty as They Want to Be*, U.S. District Court Judge José Gonzales declared that he was presiding over a dispute "between two ancient enemies: Anything Goes and Enough Already." If "anything goes" made inroads in the sixties, the backlash decade of the nineties seems to indicate the return of "enough already." There appear to be two main reasons for this.

First, and maybe least important, the very success of liberal jurisprudence in the sixties made it less appealing for left and oppositional intellectuals who now often view such formal civil liberties as a subterfuge, a cover for larger social inequities. The sort of intellectual contrarians who would have rallied behind the ideology of freedom of expression in the days before its (at least partial) ascendance are now, understandably enough, more disposed to explore its limits and failings. A handy index of how the pendulum has swung can be found in our college campuses. The rubric of "free speech," in the 1960s an empowering rubric of campus radicals, has today been ceded to their conservative opponents as an ironic instrument of requital. (Some argue that the N.E.A. imbroglio will have had a silver lining if it helps restore the prestige of freedom of expression among social progressives.)

'Clear and present danger of what*?' Justice Douglas once asked.*

Second, in a world after the Evil Empire, a new generation on the right has learned what the older generation always knew: that hot-button issues involving sex are highly effective in fundraising campaigns. It's the politics of distraction and it works. To the extent that Luther Campbell's perversity is the issue, the economic decay of Miami's Liberty City isn't.

Nor is this a peculiarly American phenomenon. In the former Soviet Union—in the face of mounting public unrest in the wake of stringent economic measures—pornography was officially and energetically denounced as a major source of social decay and decadence. The Chinese Communist Party followed the same script in dealing with the crisis following the Tiananmen Square massacre. When the savvy politico Li Ruihuan was given the job of "ideology control" immediately after the massacre, his first move was clamorously to launch a war against pornography, calling upon all leaders to help him stamp out this abomination of bourgeois liberalism. It was a well-calculated move. As the Chinese writer and critic Jane Ying Zha reports, "Other issues tended to sound abstract or muddled in Li's speeches—they get obscured by the heated rhetoric of anti-pornography."

Before Charles Keating helped precipitate the S&L crisis, his main claim to fame was as an antismut crusader. And his plea, as a dissenting member of the President's 1970 Commission on Pornography and Obscenity, that we "investigate what pornography does to women" was soon taken up by a powerful new school of feminist theory. A decade later, both Andrea Dworkin and Catharine MacKinnon were among the star witnesses before the Meese Commission, a stalking horse for the religious right [see Carole S. Vance, "The Meese Commission on the Road," August 2/9, 1986]. And the de facto alliance these groups forged may have been one of the commission's most lasting legacies.

For despite the retrenchment of the post-*Miller* era (during which, Joseph Kobylka has shown, the Supreme Court was twice as likely to favor suppressionist interests over libertarian ones), promoters of more stringent anti-obscenity measures had reason for concern. The truth is that no coherent doctrine of obscenity has commanded a judicial consensus since *Hicklin* was shunted aside in 1957. *Hicklin*'s confident corrupt-and-deprave premise has yet another advantage, not to be underestimated, which was to supply a social policy justification for censorship. "Clear and present danger of *what*?" Justice Douglas had barked at the government attorney in *Roth*. The lack of a cogent answer, in the absence of *Hicklin*, led to the slippery slope conservatives most feared. Detached from the specter of social harm, reduced to a subjective issue of taste and aesthetics, obscenity law lost its moral bite. By 1968, it seemed one could refer, as did the title of Charles Rembar's book, to the "end of obscenity."

In the public and intellectual discourse on obscenity, then, MacKinnon's extraordinary achievement is to have restored the essence of *Hicklin*—the threat of social injury—to its pride of place. Indeed, her proposals avoid all the pitfalls and failures of post-*Roth* obscenity law. (Even some stalwarts of liberal jurisprudence have been impressed. Writing to the president of the Minneapolis City Council in 1984, the eminent constitutional scholar and litigator Laurence Tribe

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suggested that the Dworkin-MacKinnon proposal "may eventually be found to be the first sensible approach to an area which has vexed some of the best legal minds for decades.") In a legal arena where anomie, ambivalence and confusion reign supreme, MacKinnon has launched a movement to resurrect (as we'll see) the three sharpest weapons of traditional, pre-Warren-era obscenity law. And she has done so in a way that enlists the sympathy of social progressives and reactionaries alike.

MacKinnon is as formidable a tactician as she is a theorist. Well aware that the criminal prosecution of obscenity has reached something of an impasse, she and her allies have shifted the legal terrain to achieve her objectives through the remedies of civil law. Even this, to be sure, is a throwback. In fact, obscenity has always been most effectively prosecuted through private organizations like Boston's Watch and Ward Society or the New York Society for the Suppression of Vice, which commanded a level of vigilance and devotion far above what could be expected from mere public servants. Civil remedies are also suggested by the general argument launched by MacKinnon and Dworkin, which describes obscenity—covering material that represents "the graphic sexual subordination" of women—as a violation of women's civil rights.

The proposed Pornography Victims' Compensation Act, on which the Senate Judiciary Committee is still deliberating, is both state-of-the-art and deeply atavistic. The bill, introduced by Senator Mitch McConnell, stipulates that those who produce, distribute, exhibit or sell obscene material may be liable for damages if victims of sex abuse believe that this material helped instigate ("had a reasonably foreseeable nexus with") the crime.

How certain of the link must we be? Since the "smut peddlers" will be tried under civil law, courts need only weigh the "preponderance" of the evidence, and decide on that basis what is more probable than not. To collect unlimited damages, including compensation for pain and suffering, the plaintiff would show that it is more likely than not that the obscene material in question was, foreseeably, a substantial cause of the crime. This last condition, in which smut is foreseeably linked with criminality, shouldn't be a sticking point. Precisely such a link was affirmed by the U.S. Court of Appeals for the Seventh Circuit, and if Judge Frank Easterbrook (a reasonable person,

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surely, in the technical sense) finds it foreseeable, who is to gainsay him?

In practice, the bill would encourage and reward strategic alliances between victims and victimizers in order to extract large cash settlements from the third party with deepest pockets. Criminals, like the rest of us, are happy to attribute their bad behavior to an external agency (mother, Hostess Twinkies, demon rum, *Playboy*), thus diminishing, in some measure, their own culpability. Gary L. Bauer, president of the Family Research Council, wrote last month that "the bill aims at making a lucrative and illegal industry disgorge some profits to benefit women and children who become the torture toys on which the industry's customers try out what they have learned from its wares." And, as so many New York publishers discovered in the age of Anthony Comstock and his successor, John Sumner, the threat of imminent bankruptcy concentrates the mind wonderfully.

So note how the bill revives and deploys the three mainstays of *Hicklin*-era obscenity law. Like *Hicklin*, it's predicated on the power of obscenity to "deprave and corrupt" those susceptible to its influence, prompting criminal behavior. As with *Hicklin*, culpability is determined not by the effects upon the average "consumer"—not even the act's sponsors believe that *most* consumers of pornography react violently—but upon those most susceptible to its baneful influence (what I call the "weakest link" provision). And like *Hicklin*, it fosters the organization of watch-and-ward parastatal associations, with actions instituted by private citizens who gain financially as the tortfeasor suffers.

The McConnell bill is only the tip of the iceberg. For while the ordinance drafted by MacKinnon and Dworkin and passed in Indianapolis was invalidated by a federal court of appeals, redesigned versions of the legislation are currently under consideration in various states and municipalities. In the state of Massachusetts, where old traditions die hard, the MacKinnon-Dworkin bill declares, "It shall be sex discrimination to produce, sell, exhibit, or distribute pornography. . . . Any woman may bring a complaint hereunder as a woman acting against the subordination of women." Those targeted would be subject to court injunctions and triple damages.

But where judicial circumstances are more congenial, MacKinnonism can take on the mantle of criminal law as well. In a unanimous decision earlier this year, the Supreme Court of Canada upheld criminal sanctions on pornography, which it defined as material that subordinates or degrades women. "If true equality between male and female persons is to be achieved," the opinion held, "we cannot ignore the threat to equality resulting from exposure to audiences of certain types of violent and degrading material. Materials portraying women as a class as objects for sexual exploitation and abuse have a negative impact on the individual's sense of self-worth and acceptance." (Thus was the hoary Victorian formula of "deprave and corrupt" updated for an age of self-actualization.)

It was a decision many have hailed as a breakthrough and a harbinger of things to come. "This makes Canada the first place in the world that says what is obscene is what harms women," MacKinnon commented. And yet such a concern for the welfare of women—and young girls in particular—was precisely what buttressed *Hicklin*-era obscenity law. To be sure, "Hicklinism" has important differences as well as similarities with MacKinnonism. *Hicklin*-era courts typically worried about moral injury incurred by the unwary and susceptible female; their reasoning was, in this sense, strictly consequentialist. For MacKinnon, at bottom, the offending representation *in se* constitutes the actionable tort. It is not merely the source of injury, but the injury itself. Indeed, one of her most original, and misunderstood, moves involves a conception of what we might call *hermeneutic harm*.

It's an idea that has crystallized into the powerful slogan: "Pornography is violence against women." The copula is all-important. The claim is not that it *causes* violence against women, nor even that its production *requires* violence against women, but that it *is*, itself, an act of violence. As MacKinnon's readers know, "is"—startlingly deployed at unwonted junctures—may be the most devastating word in her vocabulary. In her magnum opus, *Toward a Feminist Theory of the State*, she writes: "This book is not a moral tract. It is not about right and wrong or what I think is good or bad to think or do. It is about what *is*, the meaning of what is, and the way what is, is enforced."

For sure, MacKinnon and Dworkin enlist both expressivist and consequentialist arguments for their position as well. They say that the passage of their ordinances expresses disapproval of the subjugation of women. And they are quite ready to present the argument that pornography

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conduces to sex crimes of the conventional, legally cognizable variety. But if their political arguments were predicated (as many of their opponents suppose) solely upon such an empirical argument, they would be vulnerable to a now familiar body of social science that tends to disconfirm the hypothesis.

After all, as the 1970 Lockhart Report found, the liberalization in American obscenity law in the 1960s was unaccompanied by any significant increase in the incidence of rape. Anecdotal evidence aside, other countries report similar experience. After the repeal of Denmark's pornography law in the late 1960s, the incidence of sex crimes diminished overall (though the significance and magnitude of the diminution is contested). In Japan, where violent pornography is freely available and widely consumed, rape is relatively infrequent, as it is in porn-permissive Sweden. What can we conclude? Nothing much. Too many complicating factors enter into such studies to deduce any hard and fast rules. Still, if the regulation of pornography had a major impact on the rate of sex crimes, we might expect it to show up *somewhere*, and it doesn't. At present, the causal claim that pornography fuels sexual crimes against women remains largely conjectural.

But all these empirical considerations are finally beside the point. For MacKinnon's central argument is an a priori one, founded on the bedrock of stipulation to which social science is irrelevant. To repeat, for her, pornography itself is violence: It *is* the crime and the injury. As she writes in *Feminism Unmodified*: "Gender is sexual. Pornography constitutes the meaning of that sexuality." Under patriarchy, therefore, "real" sex—ordinary and unobserved coition, so to speak—is simply 3-D pornography; if the act itself is accorded greater value, that is simply because it provides men the best seats in the house.

Perhaps MacKinnon's argument would be more faithful to the logic of her position if we replaced the word "pornography" with the word "representation." For MacKinnon, pornography is almost part of the logic of representation under patriarchy, and there is very little outside it. As Barbara Ehrenreich observes: "Defining pornography as 'a form of discrimination against women' hardly narrows the field, for surely the censor's eye would then be drawn to the more familiar examples of cultural sexism that surround us every day, in romance novels, detergent commercials, and the Bible. Where would one stop?" Certainly not with a novel like Dworkin's *Ice and Fire*, which—de Grazia has no trouble showing—would qualify as pornographic, and thus as a violation of women's civil rights, by Dworkin's own expressed criticism.

Predictably, critics hostile to feminism have regularly presented Dworkin's and MacKinnon's less temperate pronouncements as emblematic of feminism as a whole. It's a rhetorical ploy that ignores MacKinnon's and Dworkin's highly troubled relation to mainstream feminism. It also overlooks the fact that the most thoroughgoing and incisive critiques of their assumptions are those offered by feminist critics, scholars and intellectuals—including Judith Butler, C. Carr, Ehrenreich, Betty Friedan, Martha Gever, Ann Snitow, Christine Stansell, Carole Vance, Jennifer Wicke and many others. An antiporn strain is hardly a distinctive feature of feminist thought; by contrast, anti-antiporn—the critique of the antiporn movement on grounds other than constitutional formalism or First Amendment pietism—*is* a distinctive feminist contribution.

The real challenge, for feminists and free-speech sentimentalists alike, is *not* to defend obscenity on the ground of innocuousness. Such a defense is perfectly tenable, and it remains important to rebut overstated claims to the contrary. "Girls lean back everywhere," argued Jane Heap, editor of *The Little Review*, when she was prosecuted in 1920 for publishing a salacious episode of James Joyce's *Ulysses*, "and no one is corrupted." It's easy to see why de Grazia borrowed her phrase for the title of his superbly informative, splendidly partisan chronicle.

And yet, and yet . . . the capacity to "deprave and corrupt," quaint as it sounds, must be taken seriously. Because I want to believe that culture *matters*, I cannot refuse to contemplate that texts have effects as well as causes. The (pro-porn) literary critic Anne McClintock deals with this issue head-on when she remarks: "I am as unconvinced by the argument that porn inhabits a remote, frenzied land safely beyond the green door of the mind as I am by the argument that porn is practice for rape." Surely a civil liberties agenda that depended on the neutrality or inertness of *any* of our expressive practices would be devoid of content. As Justice Oliver Wendell Holmes famously wrote in 1925, arguing against an antisedition ordinance, "Every idea is an incitement."

A rather tragic case in point: In their incendiary 1984 antipornography campaign in Minneapolis, Dworkin and MacKinnon evidently moved one 23-year-old supporter to douse herself with gasoline and set herself ablaze. So even as we resist the new suppressionist alliance, we must admit that MacKinnon proved her case: Freedom of expression has never been without its price. □

ART.

ARTHUR C. DANTO

Andrea Mantegna

Andrea Mantegna's name turns up in an exceedingly short list of what Ariosto's readers would recognize as history's greatest artists, in the opening verses of Canto XXXIII of his *Orlando Furioso*. It would be essential to the poet's argument that the artists cited be as great as possible, since he wants to claim that there are things even the best of them cannot depict, namely, the shape of things to come. For that, he argues, there must be recourse to magic. It is in any case plain from the fact that Mantegna is mentioned in the same lyrical breath as Leonardo, Michelangelo and Raphael, not to mention Zeuxis, Parrhasios and Apelles, that he must have been held in the highest esteem some twenty-five years after his death. His reputation was no less luminous during his lifetime: Innocent VIII considered him the greatest painter of the age and pressured Mantegna's patron, Francesco Gonzaga, to release the artist long enough to decorate a chapel in the Belvedere. Notwithstanding this deservedly exalted reputation, Mantegna was early stained with a clever and slyly malicious piece of art criticism that has clouded the perception of his work ever since. Its author was Francesco Squarcione, Mantegna's teacher and adoptive father; and it was occasioned by some youthful work of Mantegna's in the Chapel of San Cristofano in Padua. Squarcione said, "They had nothing good in them because Andrea had therein copied from antique marbles, from which no man can perfectly acquire the art of painting, seeing that stone must ever retain somewhat of the rigidity of its nature, and never displays that tender softness proper to flesh and natural forms." Vasari, who reports this, also tells us that Andrea had formed an alli-

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ance with Jacopo Bellini, Squarcione's archrival, putting the latter's nose seriously out of joint, though he had "previously much extolled the works of Andrea." The epithet of stoniness, even so, has defined Mantegna criticism down the centuries. "It is as though Mantegna had been called to paint a people turned to stone," wrote J.A. Symonds in 1882. "The painting of Mantegna's maturity has always this frozen, rock-like force," writes Lawrence Gowing in the catalogue to the current exhibition of the artist's work on view at the Metropolitan Museum of Art through July 12. The stony stoniness of Mantegna—Squarcione's gift to his ingrate foster son's critics, from Bernard Berenson to the reviews of this very exhibition in London's *Times Literary Supplement* and *The New York Times*—is the recurrent explanation of why writers, despite their admiration for and acknowledgment of the master's achievement, find they cannot respond to it with warmth and delight.

In fact, Vasari tells us that while Mantegna was "deeply wounded by these disparaging remarks," they proved of immense benefit to him, for he then took up the practice of drawing from life with such intensity that "he proved himself no less capable of reproducing and extracting the best parts from living and natural objects." For me it is almost inconceivable that any of the writers who had the opportunity to visit, as Symonds, Berenson and Gowing certainly had, Mantegna's most famous work, the *Camera degli Sposi* ("The Bridal Chamber") in the Gonzaga Palace in Mantua, should persist in this hardly applicable characterization of the artist's style. The *Camera*, which I once bribed a custodian to allow me to remain in alone for half a day, is so dense with lived life, so radiant with the spontaneity of human expression, that it is like a window into the everyday reality of the Renaissance. The room is in part an exercise in *trompe l'oeil* architecture—the first, I believe, in the Renaissance, with painted pillars and illusionary vaulting. But amid this, the scenes he depicted of the Gonzaga court seem to be taking place in a radiant space so compelling that it really feels as if conjured up through Ariosto's magic. In one famous panel, we see members of the family gathered in a garden. An adorable little girl in a headband leans on her mother's lap, asking permission to eat an apple. The mother is distracted by a secretary who has entered, stage left as it were, to whisper news to her husband, evidently that their son will soon arrive, having been elevated to the rank of cardinal. The Marchese holds the letter in which this important information is conveyed, and it seems clear that the momentous arrival is what the family is awaiting. There is even a female dwarf seeming to look out to catch a glimpse of the approaching scion. On another wall, we see the reunion; the newly confirmed cardinal, proud and yet affectionate, holds hands with a younger brother who holds the hand of a still younger brother in a tender clasp. On the other side of the door, respectful retainers hold back the family dogs. Though the frescoes are not in the best of condition, I left the room with a sense of lightness hardly consistent with having spent my time with men, women, children and dogs of stone; and I walked out into the open spaces of Mantua with the feeling of being still in the scene I had left behind. There is no doubt a dignity and an austerity in Mantegna's articulation of his vision—but his characters could not be more alive, or more caught up, palpably, with the events that shape their feelings, fears and hopes.

Visitors to the present exhibition, alert to Mantegna's standing as among the greatest masters of the early High Renaissance, will of course recognize that there is no way other than a trip to Mantua to see the Gonzaga family in life and triumph, though a colored blowup of a fragment of the marvelous decoration is mounted at the Met show's entrance, raising, perhaps, hopes and expectations that the somewhat cobbled exhibition fails to sustain. None of the famous and familiar masterpieces made the trip, either—not the *Agony in the Garden* from the National Gallery in London, not the *Saint Sebastian* from the Louvre nor the overpowering, starkly foreshortened *Dead Christ* from the Brera in Milan. This is the price we pay for Mantegna's eminence: His masterwork is not lightly dispatched to distant gallery walls. The finest painting in the show is one that has been here since 1932, the Met's own *The Adoration of the Shepherds*, from about 1450. One can get an exact sense of Mantegna's style from that work alone, inasmuch as he had evidently no reason to change it for the remainder of his life. My recommendation to visitors to this show is that they spend some time letting this brilliant panel work upon their sensibilities, to allow a model to form in their own aesthetic imagination, which will guide them through the often rather minor or marginal works in which the fierce clarity of Mantegna's nearly shadowless world is more dimly present. In a famous passage in the *Republic*, Plato speaks of one who has struggled free from the cave that represents our earthly existence, but whose eyes are still too filled with darkness to gaze upon the Forms of things in their true luminosity. Such persons must look at the reflections of the Forms until their eyes adjust to the light. Here the situation is rather the reverse: One must stare into the blaze of Mantegna's authentic vision, as we find it for example in the *Adoration*, in order to discern its pale and secondary presence in works that have been abraded, or badly restored, or which are secondary to begin with, or eccentric in some way, like the feigned bronzes of this show. There would, I think, be no accounting for Ariosto's exaltation of the artist on the basis of much of what one may see here.

Mantegna is at his greatest in the engravings, which are something of a miracle.

By contrast with the spotty representation of Mantegna's paintings, there is an exhaustive array of engravings by or attributable to Mantegna, and the actual occasion for the entire exhibition is the rather rarefied issue of which plates are directly due to Mantegna, if any; and which hand or hands of other, lesser artists may have executed his designs. This portion of the show is beyond question a contribution to art-historical scholarship in its most exacting practice. Printmaking is a two-stage process (unless the artist works directly on the plate or block): There is the drawing stage, and then the stage in which the drawing is cut into the plate or block. This exhibition shows every engraving for which Mantegna was the first-stage artist, the question being when and in what way he may have been the second-stage artist as well. Opinions vary. The conclusion reached by the curator responsible for this part of the exhibition is that there are seven engravings in which both stages were executed by Mantegna and four more "attributable" to him, meaning that he may have achieved the second stage in whole

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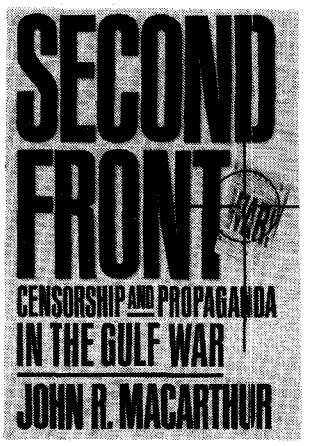
or in part. The remaining prints are deemed the work of someone hedgingly designated the "Premier Engraver," the second-stage executor of Andrea's designs. Whether there really was only one such person is perhaps a bone of contention, but the discussion of the entire matter seems to me to rest on some assumptions questionable enough to take up here, though clearly one ventures onto the playing fields of connoisseurship with some trepidation.

The assumption is that it is somehow inconsistent with an artist's holding high rank that he should have himself undertaken "the time-consuming work of engraving the plates." Yet, painting itself was pretty time-consuming work in the Renaissance, when artists did not live by the clock and charge by the hour. And second, "time-consuming work" sounds like irksome labor, perhaps like grounding panels with gesso or grinding pigment; in any case it takes as its contrast, I suppose, a rather romantic conception of the artist as constantly and urgently expressing himself creatively, which hardly applies, I think, to even the most spontaneous thing artists in the Renaissance did, namely, drawing. In the third place, among scholars who I'll wager never handled a burin or made a print of any kind, there is little sense of how immensely absorbing the making of prints can be: The decisions that must be made at every instant are as complex as any that arise in connection with painting, and while no doubt "time-consuming" work, printmaking is artmaking as intense as any. Finally, the argument is made that "the early Italian engravers are artists of secondary importance, craftsmen who never had the same status which was held by the painters, sculptors, and architects, in the society of the time." What this overlooks is that while Mantegna did not precisely invent line-engraving as an art form, as Vasari first proposed that he did, he is universally acknowledged to be the first Italian artist of genius to have practiced engraving as an art. And whatever may have become the case once engraving was widely practiced and institutionalized as an art form (in part because of its expressive possibilities and in part because of its economic advantages—Dürer, in the next century, complained when he took painting commissions, which were nowhere near as profitable as the sale of prints) need not have been so at the beginning, when the form was being invented. A nice thing about prints is that they can be done on spec, without having to negotiate the sorts of contracts frescoes or altarpieces required, or to get down-payments for materials. (Andrea seems to have been concerned about money, since he painted sometimes major works with cheap materials, like distemper, in which glue or some other such sizing is used as binder: His celebrated *Triumph of Caesar*, because in distemper, has badly survived time and efforts at restoration, and was deemed far too fragile to travel from the London to the New York venue of this show.) The real dog work of the print studio is the inking and the wiping of plates, and the heavy work of pulling proofs. One can see how a master might leave that portion of the process to lesser hands. The authors of the careful taxonomy of states and stages of engravings may be right, but their arguments strike me as suspiciously a priori and sometimes downright anachronistic.

None of the sorts of issues that give rise to the notion of the "Premier Engraver" is likely to lift the hearts of viewers who came to see a show of Mantegna, unprepared to plunge into the precincts of fine discrimination; and though the prints are somewhat segregated in anticipation of this foreseeable lack of enthusiastic acceptance, without them the main body of the show is merely a somewhat scraped together array of work that only in certain examples discloses the artist's power and the beauty of his images. Even more important, I think, is the fact that grouping so many prints together diminishes their power—they were never meant to be looked at from this sort of perspective. In truth, Mantegna is at his greatest in his engravings, which are something of a miracle. At the very least, had it been my show, I would have placed a blowup of one of the prints, *The Deposition*, say, at the entrance, in part because that would more truthfully advertise the main body of the show than the fragment from the *Camera*, but mainly because the enlargement of one of those extraordinary images would be even more compelling than the print itself. Let me attempt to explain why. Fifteenth-century engravings were not intended to be seen, framed and glazed, on a wall, and certainly not hung like specimens of something in regular rows. I surmise that they were placed on lecterns, virtually as if to be read—a different, more intimate relationship with the image than that of looking at a virtual scene through a window in the wall, which was the standard way of thinking about tableaux. My thought is that an en-



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largement would compensate for the diminishing relationship in which museum exigencies require us to stand with regard to prints. In fact, the very idea of *The Deposition* enlarged, perhaps ten times, is simply thrilling, and would almost be too powerful to remain with for very long in the same room.

Engravings are said to have originated more or less simultaneously in Germany and in Italy sometime around 1420 (Mantegna's dates are 1431–1506). Thus, the first engravings were very nearly contemporaneous with the first letter press, and though there is a certain similarity of means between the two reproductive technologies, the way image is transferred from an engraved plate to paper is very different from that through which it is transferred to paper from a block. The Chinese had block-printing, but engraving, so far as I know, was an entirely Western invention. Most accounts locate the first engravers in goldsmith shops, and that makes a certain sense, since the ornamentation of metal surfaces through gravure has a long history, and would naturally fall within the goldsmith's practice. It is easy to speculate that there must have been some such device as rubbing color into the grooves and wiping off the surface of a piece of metal in order to get a clear perception of the pattern. The innovation came with the thought of transferring this color through printing to paper, where the metal surface becomes a means rather than the artistic end. It would not be obvious how this was to be achieved. With a relief print, such as woodblock, one can ink the surface and get a fair impression through light pressure. But with engraving (and later, etching), the ink has to be drawn up out of the lines by very great pressure. The more ink a line holds, the darker and heavier the printing of it, which means that a different mentality is required of the printmaker than of one who merely ornaments by means of engraved lines.

To "invent engraving" thus means having to create an entire system: plate, tools, inker, ink, paper, press—what Heidegger calls a *Zeugganzes*, or "totality of tools." The tool, as Heidegger would say, refers to the plate and the plate to the paper and the press to the ink. It says something that the first engraved products were playing cards and virtually the first product of printing was the Bible. In any case, Mantegna's genius consisted in seeing, in what was at first a fairly trivial technology, the sublime medium of great art (the transformation of block-printing to the point where a Bible could be envisioned was by contrast merely quantitative). Still, we must keep in mind the material understructure of what he achieved. One needed large copper plates (the fact that he used both sides tells a lot about the difficulty of getting these) and a suitably large press; and probably the scale of both was dictated by the maximum size of paper available. (Dürer, like the Japanese, made large prints by pasting small sheets together, but that requires special strategies of registration.)

The important consideration is that Mantegna was the first to see the medium of engraving as a process for art as great as was achievable through painting, or, to cite a medium highly esteemed in the Renaissance, intarsia. And indeed, he never did anything greater than his engravings. Let us consider, then, *The Deposition*. It is a large print, but it looks simply monumental. It is vertically marked by the stem of the cross, with two tall ladders leaning against the arm; and by a barren tree growing thinly out of the rocky shelf on which the Crucifixion transpired. It is horizontally marked by the arm of the cross, the plaque with INRI, the tiny platform for Christ's feet and by the rocky shelf, populated by a fringe of spectators and mourners each about a third the height of the cross. Verticals and horizontals form a sort of scaffold within which the action of lowering Christ takes place. One man holds the corners of a sling that holds the inert body, which falls heavily onto the shoulders of a second man, while another, his arms upstretched, represents the third stage of the descent. Christ's arm hangs with the drama of dead weight, matched, in my memory, only in Michelangelo's *Palestrina Piétà*. Among the figures is Mary fainted, as the other Marys hold her head up, so that her body forms a curve; and it is almost as if the two bodies, flexed respectively by death and syncope, form arcs of the same tragic circumference. In the background, between abrupt crags that punctuate the desert floor, two figures stroll toward Jerusalem, a towered city on a distant hill. The sky is the white of paper, the far landscape drawn with single sharp lines.

The same platform of shale appears in the astonishing *Descent Into Limbo*, where Christ is shown from behind, pressing toward the dark door of the underworld, toward figures who await him. Christ is clearly making an immense effort, walking against the moral grain of the universe, as if into a strong wind that whips his garment about him. Mantegna has invented fantastic demons to fly about the scene, two of whom, blowing horns, have shaken the portals of Hell off their hinges for Christ to walk over. Against just the evidence of these two prints it is hard for me to see how critics can persist in speaking of Mantegna's humans "as if they were made of colored marble rather than flesh and blood," as Berenson writes, echoing Squarcione—proving that he has read Vasari, but not that he has looked at the art.

The same rocky shelf of the two engravings just described forms a natural podium for Mother and Child in the *Adoration*. It is approached, from the viewer's right, by two rather disreputable-looking shepherds, rough sorts altogether, barefoot and with torn clothing. The forward peasant somehow embodies Mantegna for me: His face is strong, lined and ugly, with bared teeth, and he could as easily be imagined slaughtering innocents as worshiping innocence. The Virgin rises like a flower above her sleeping infant, foreshortened as if in anticipation of the Brera's dead Christ, and she is shown in a posture of terrific complexity, adoring a being far greater than she who is yet utterly helpless and dependent upon her, unable even to turn over unaided. A marvelous river, in serpentine loops, flows past this marvelous scene, which figures approach across a plank bridge. The distant meadows are filled with sheep, the amazing sky with flocks of clouds. There is a miniaturist intensity in the clarity with which flowers are painted.

There is a lot to see, and more to write about than I have space for. The Met exhibition demonstrates that with a master like Mantegna—inventive, observant, powerful, fantastic—even a show made

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up of lesser works can be a revelation. You will have to work a little harder than usual to see it, but don't leave all the "time-consuming work" to the critic. □

EXCHANGE.

(*Continued From Page 878*)

broader, less plausible sales tax base than we did. But the revenue produced from the Brown sales tax would still have fallen far short, and the burden of the tax on poor and middle-income families would have been even greater than we reported.

2. In a mendacious attempt to imply that I have flip-flopped on the flat-tax issue, Cockburn says: "Back on July 19, 1982, McIntyre wrote in *The New Republic*: 'The growing fascination [with the flat tax] deserves some serious attention. . . . if the flat taxers succeed in promoting a public debate about the benefits of a loophole-less tax code, they will have performed a useful service for the economy and for tax fairness.' "

But the thesis of my 3,000-word article, from which Cockburn misleadingly excerpts sentence fragments from the second and last paragraphs, was that while focusing public attention on closing loopholes was a good thing, a flat-rate tax would be dreadful. Here, without Cockburn's hidden ellipses, are a few complete sentences of what I actually wrote (emphasis added): "Does all this mean that a flat-rate income tax with few deductions and credits is the wave of the future? Probably not, but the growing fascination with it deserves some serious attention." "*A flat rate would almost certainly mean far less progressivity than even the current approach.*" "But if the flat-raters succeed in promoting a public debate about the benefits of a loophole-less tax code, they will—*in spite of their 'trickle-down' bias*—have performed a useful service for the economy and for tax fairness."

And that was written in 1982, at the zenith of the Reagan loophole period. Since then, of course, the 1986 Tax Reform Act has curbed the most egregious loopholes, although more work remains to be done.

3. Finally, as if to clinch his argument, Cockburn says: "Everything that touches the Clinton campaign turns sleazy. C.T.J.'s former executive director, David Wilhelm, is now Clinton's campaign manager."

I'm not quite sure what Cockburn meant by this charge. That C.T.J. has turned sleazy because a former employee now works for Bill Clinton? That David Wilhelm has turned sleazy? Perhaps Cockburn, by writing about Clinton, is now mired in sleaze.

My friend and former co-worker David Wilhelm does indeed work for Bill Clinton, but (regrettably) Clinton has sought his tax policy advice from sources other than C.T.J. In fact, the only candidate to consult with us directly was Jerry Brown—who unfortunately ignored our advice.

Brown's flat-rate tax proposal is a truly terrible idea. It would abandon the principle of progressivity in favor of a single-rate income tax and a hugely regressive national sales tax. It would wipe out deductions that make sense in computing people's ability to pay taxes, such as the personal and dependents' exemptions, the standard deduction and the deduction for state and local taxes. But it would expand current business tax breaks into an all-encompassing loophole intended to exempt capital income from tax entirely. And it still wouldn't fit on a postcard.

It's understandable that right-wing ideologues like napkin man Arthur Laffer and William Niskanen of the Cato Institute would endorse the Brown plan. But what wing does Cockburn think he represents?

Robert S. McIntyre, director
Citizens for Tax Justice

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Aliso Viejo, Calif.

Congressional Budget Office statistics show that the poorest 20 percent pay 8.7 percent of their income in taxes. The flat tax would require them to pay 13 percent. However, people from this population group normally rent their homes, which under the flat tax (and not the present tax code) would be a tax deduction. In Los Angeles, people at that income level pay about 60 percent of their income for rent. This would make their actual flat tax rate 5.2 percent.

The goal of left economics is progressive outcomes, not merely progressive taxation.

The quick assumption that corporations would automatically pass on the VAT to the consumer is likely in the short run. However, in the absence of income taxes and in the presence of at least some competition (there is still some left), prices would drop back down to some degree. Let's assume a 6.5 percent rise in prices caused by a VAT. The above 5.2 percent tax would increase to 11.7 percent.

Finally, let's analyze the expenditures of the poorest 20 percent. Most of their money is spent on rent (60 percent). Assuming that rent would not be subject to VAT (what's the value added?), the tax would decrease to 7.8 percent. This is a lower rate than any in the present system.

Although my assumptions are no less valid than Doug Henwood's, our conclusions are much different. Conclusions are only as good as the assumptions used to reach them. So why beat up an idea in its embryonic stages? Can anyone really defend the current tax system?

Mark Howmann

COCKBURN AND POLLIN REPLY

Petrolia, Calif.
Riverside, Calif.

So far as his stuff about Jerry Brown was concerned, Doug Henwood did act like a member of the liberal establishment, having more or less exactly the same take on the Governor as Anthony Lewis. Win a few, lose a few. Next time he'll be described in "Beat the Devil" as the Tugan-Baranovsky of the Upper West Side and all will be forgiven. The sad thing was that when Brown both needed and deserved left support, at the time of the crucial battle of the Democratic year—the New York primary—a lot of leftists sat on their hands. Henwood certainly doesn't know much about Brown's two-term spell as Governor beyond what he scraped out of Lorenz's snippy little salvo. By the admittedly low standards of the breed, Brown was one of the best governors the country has seen in the past twenty years, particularly as concerns the environment, labor, energy and political appointments. To hiss "Zen fascist" at the only candidate on the road from New Hampshire to California to sketch out a radical analysis of what's wrong with the system was dumb. Why assume the worst, as Henwood has done? After all, Brown was alone in taking the left seriously as a constituency and advancing ideas congenial to it. He has denounced the dictatorship of the money/incumbency party. He has argued for union rights and insisted that the L.A. riots be seen in an economic context, pointing out the effects that globalization and downward wage pressure have had on working-class life.

True, as we openly recognized in *The Wall Street Journal*, the plan as initially drawn up fails on progressivity grounds. Brown himself has acknowledged this many times in public appearances. But as we also showed, it could be fixed through simple measures. Indeed, part of the beauty of Brown's plan was that through simplicity, one could achieve the desired ends without having to get lost in the labyrinth of loopholes. This became increasingly clear in Pollin's work on revising Brown's plan with Max Sawicky of the Economic Policy Institute.

How important is simplicity? It would be important to give accountants less to do. Joel Slemrod of the University of Michigan estimates that the costs of compliance with the current income tax code, including the labor time spent, amount to between 5 and 10 percent of revenues. But more significant is that the present system is rigged to stifle democratic debate. There was a compelling example of this in the recent Congressional discussion over how to finance urban redevelopment. The Conference of Mayors had proposed a $35 billion program, supported by Brown, for investment in education, infrastructure, small businesses and transportation in central cities. Yet even after the L.A. uprising, Democrats and Republicans alike were saying there is just no money available. The argument in Congress was: "You can't take the wall down between domestic and military spending" be-

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cause of the previous budget agreement. The liberals are thwarted, since they don't want to touch domestic spending. But what about closing domestic loopholes?

Consider only one such loophole, perhaps the most popular of all, the tax deductibility of mortgage interest on owner-occupied homes. This is almost universally embraced as necessary to promote home ownership and stable middle-class living standards. In fact, it is a vast subsidy for the rich.

A 1991 study in the *National Tax Journal* by James Follian and David Ling found that the total federal revenues lost through the mortgage interest deduction on owner-occupied housing amounted to $81.1 billion in 1988. Neither the homeless, renters or even homeowners who do not itemize their tax deductions receive a penny of this subsidy, whose magnitude far exceeds all other federal housing programs combined.

Among the homeowners who do itemize, the housing deduction is equivalent to an average subsidy of $6,680 for households with incomes over $100,000 but only $444 for households with incomes between $15,000 and $30,000. The reason is simple: The higher your tax bracket and the more you spend on housing, the greater your tax savings. But again, what politician would be willing to have him- or herself photographed handing a $6,680 check to a Beverly Hills movie producer to finance his new jacuzzi while 2 million Americans live in streets, parks, alleys and subway stations?

If the mortgage interest subsidy were cut by only half, this alone could finance all the Conference of Mayors' proposals and leave $6 billion to spare. Thus, an obvious revision that Pollin and Sawicky proposed on Brown's initial plan, which was consistent with the spirit of the initial proposal and to which Brown immediately agreed, was to cap the mortgage deduction at $15,000 per household.

It is crucial to keep in mind that the goal of left economic policy is progressive outcomes, not merely progressive taxation. Tax policy is just a means to progressive ends. Indeed, if the choice is between, on the one hand, a mildly progressive tax and pure market-supported expenditures and, on the other, a proportional (flat) tax, where tax revenues go for spending on a genuinely left agenda that changes life opportunities for the majority—child care, public schools, infrastructure, national health and full employment—the choice should be clear. The aim of left policy should not be merely to protect a few handouts for the poor but to eliminate poverty, and to increase working-class living standards.

Did McIntyre provide a reasonable assessment of Brown's original program or create a system of his own manufacture?

Had McIntyre written that Brown's initial proposal was not carefully constructed, that it didn't allow for adequate exemptions to the VAT, that would have been a reasonable, arguable, though largely technical question. Alternatively, if McIntyre had said, "Because Brown's proposal is so poorly constructed, it is impossible for us to attempt a serious calculation of its revenue effects," that too would have been an arguable but reasonable critique.

Then if he had said, "Since Brown's design is so flimsy, we'll use a much more reliable Reagan Treasury study as to how a national sales tax would work and, based on that, generate estimates of tax incidence and revenue generation," fair enough. But he never once said anything of the sort in his document. Instead, the document is written as if his estimates were precise, and based on Jerry Brown's own proposal, which they were not.

The problem for McIntyre, had he openly acknowledged his methodology, would have been that nobody would have paid attention to it. He couldn't have produced dramatic bar graphs comparing the "Current System" with "Brown," since his estimates on "Brown" were not based on Brown's plan.

Finally, it is important to recognize the technical difficulties of estimating the full revenue effects of changing the tax system. True, Brown himself didn't fully acknowledge these technical difficulties. But neither did McIntyre. Instead McIntyre trumpets his result that Brown's plan would increase the deficit by $200 billion as if it were an indisputable finding. This is utter nonsense.

The Congressional Budget Office itself estimated that Brown's plan would be short by $100 billion. So what's a mere hundred billion? Again, it would have been fair for McIntyre to say, "Brown's plan looks like it will come up short on revenues for these reasons," and then give a range of estimates as to how short it would be. But had he done that, again—without his certitudes—nobody would have been interested.

Henwood's technique of citing all the bad guys who like VATs and simple tax systems is supposed to demonstrate the unsavory nature of the ideas themselves. VATs can easily be made progressive, and when they are, they have some beneficial features. And not only bad guys like Lester Thurow say so; one of the best contributors on this question was the late Nicholas Kaldor of Cambridge, one of the outstanding left Keynesian economists of the twentieth century.

Doug would be better off thinking about the proposals on their merits. Of course, the regressive nature of a poorly designed flat tax is bad. But why, just because of that, should the right seize control of the simplification, anti-bureaucracy theme that was so central to Brown's message? Why not recognize the merits of the program, and steal them for a left agenda, acknowledging along the way that the "left" agenda of mild progressivity on taxes within the given tax structure and mere defense of the remaining shambles of the New Deal/Great Society is a tired formula that is going nowhere?

Alexander Cockburn
Robert Pollin

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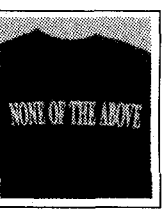

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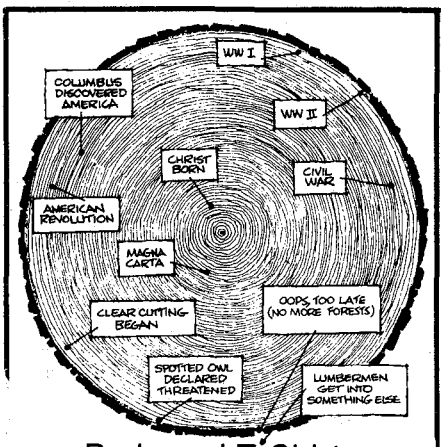

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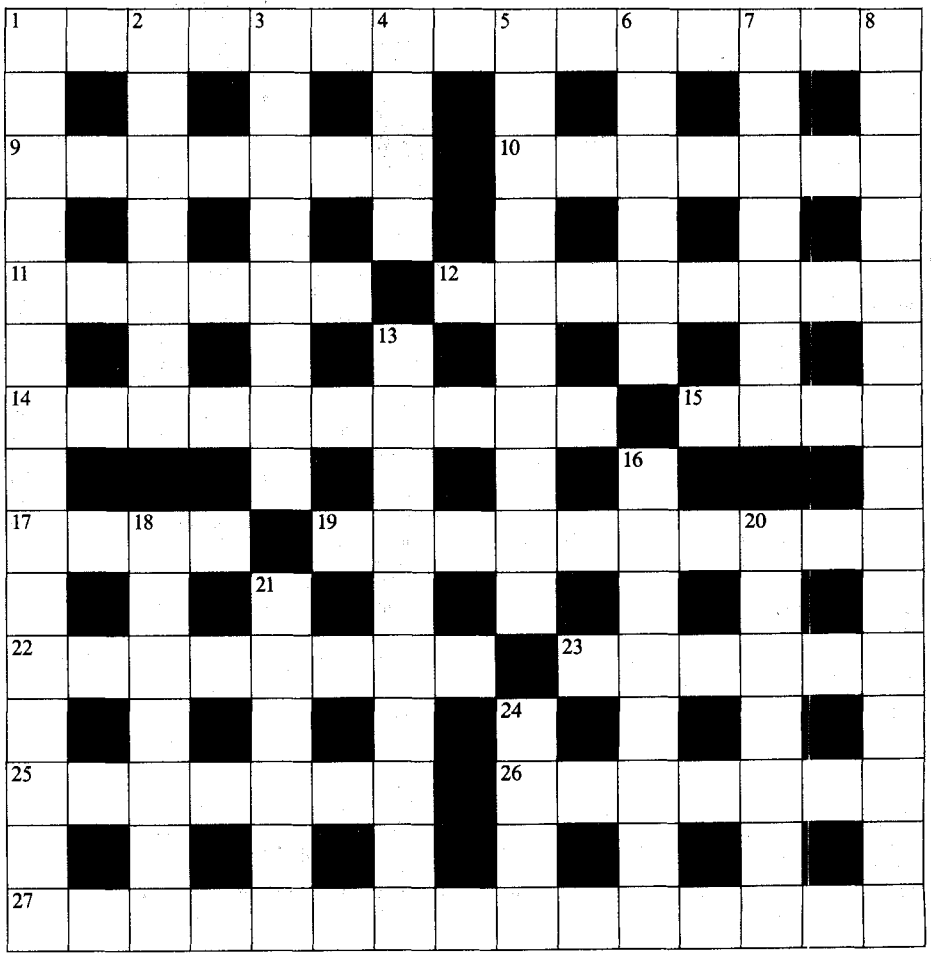
Crossword Puzzle No. 2389

FRANK W. LEWIS



ACROSS

1 Something made out of steel that slides very quickly should count! That's always true! (4,3,4,4)
9 Play with such, and lace, provided it's not new. (7)
10 What you had to put on tight in the canning procedure might be shocking! (7)
11 If you can't quite make it home when you get hit, you might be glad to settle for one. (6)
12 A post-holder might be something to hold your attention, or ice might be melted around the container. (Berlin had more than one.) (8)
14 One of those places where they worked hard to break up the land. (10)
15 Sceptred some time before the blessed plot was mentioned. (4)
17 A cracked pate might have lead to a burning. (4)
19 Its Mecca is a poor example of extreme austerity. (10)
22 If you find one who succeeded in breaking away isn't one, a different form might be necessary. (8)
23 See 4 down
25 A put-on for pain might be hazardous when adrift. (3,4)
26 General Burnside and you might find it some bar. (7)
27 Obviously this brings nothing to mind. (15)

DOWN

1 Cure your old craving—something the cook might appreciate. (7,8)
2 Hurrying home in heavy traffic, paradoxically? (7)
3 One who tells tales sounds like a person who figures things out. (8)
4 and 24 and 23 across Avoid what's on the desert with a large number of dissolute types—it's only a game! (5,3,6)
5 They might qualify to be grammatical examples. (10)
6 Show where one's time is over? (4,2)
7 Used to limit the action of the drama to one place and one day, with no sub-plots. (If I were gone, it would be a matter of international agreements!) (7)
8 Poe at first, with his Annabel, gets the better of another poet! (5,3,7)
13 Badly built, for male sheep that have what roosters sometimes raise. (10)
16 Be sordid, perhaps, having finished a takeoff (8)
18 Rebuilt the new part of a city. (7)
20 Evidently such things annoy only a few people. (7)
21 December 7 lives in this, if many see through it. (6)
24 See 4 down

SEE LAST WEEK'S SOLUTION AT LEFT

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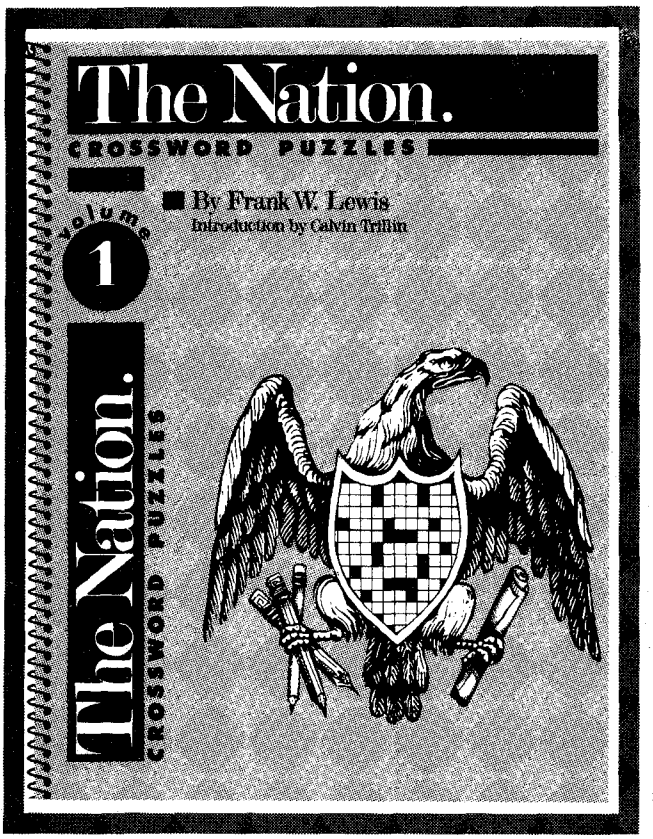

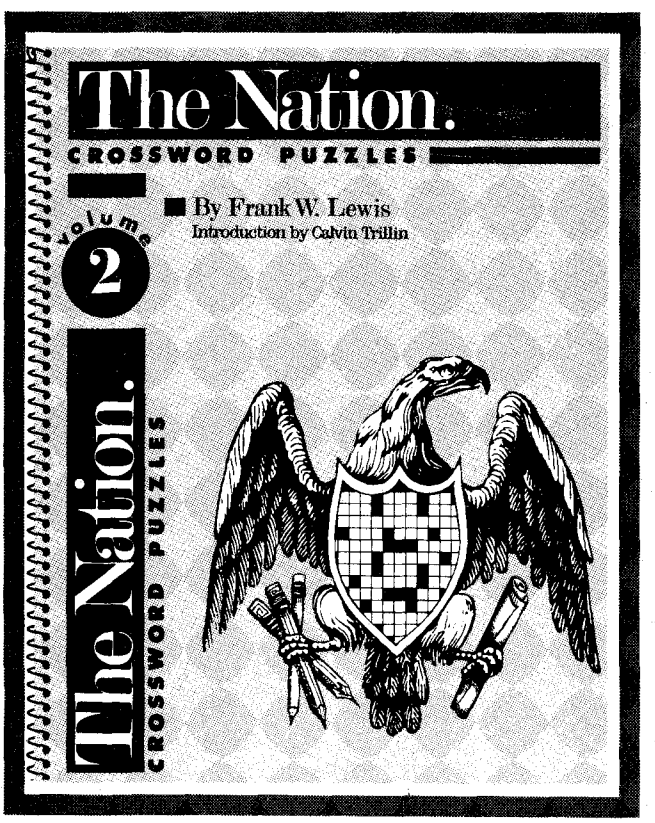

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